

Sheriff Vernon Betts

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JOHN N. CASTELLANO, III,)	
)	
Plaintiff,)	
)	
vs.)	Case 4:19-CV-02304-SRC
)	
VERNON BETTS, et al.,)	
)	
Defendants.)	

ZOOM DEPOSITION OF SHERIFF VERNON BETTS

Taken on behalf of Plaintiff

September 3, 2020

Jo Ann Sturm, CSR, CCR
REGISTERED PROFESSIONAL REPORTER
ILLINOIS CSR NUMBER: 084-002267
MISSOURI CCR NUMBER: 716

STURM REPORTING SERVICES, INC.
2144 Gray Avenue
St. Louis, Missouri 63117
(314) 780-2816

EXHIBIT
I

Sturm Reporting Services, Inc.
314.780.2816

Sheriff Vernon Betts

Page 2	Page 4
<p>1 INDEX OF EXAMINATION</p> <p>2</p> <p>3 DEPONENT SHERIFF VERNON BETTS</p> <p>4 Direct Examination By Ms. Petruska7</p> <p>5</p> <p>6</p> <p>7</p> <p>8 INDEX OF EXHIBITS</p> <p>9 Exhibit 123</p> <p>10 Charge of Discrimination, 6/2017</p> <p>11 Exhibit 226</p> <p>12 Charge of Discrimination, 8/7/2017</p> <p>13 Exhibit 327</p> <p>14 Charge of Discrimination, 11/26/18</p> <p>15 Exhibit 432</p> <p>16 Position Statement, 4/9/19</p> <p>17 Exhibit 535</p> <p>18 Response to Charge of</p> <p>19 Discrimination, 6/19/19</p> <p>20 Exhibit 838</p> <p>21 Post-Dispatch article</p> <p>22 Exhibit 2756</p> <p>23 Second Amended Complaint</p> <p>24 Exhibit 662</p> <p>25 1/3/17 Manual</p> <p>Exhibit 763</p> <p>Manual, 3/16/18</p> <p>Exhibit 985</p> <p>Consent Judgment</p>	<p>1 IN THE UNITED STATES DISTRICT COURT</p> <p>2 EASTERN DISTRICT OF MISSOURI</p> <p>3 EASTERN DIVISION</p> <p>4</p> <p>5 JOHN N. CASTELLANO, III,)</p> <p>6 Plaintiff,)</p> <p>7 vs.) Case 4:19-CV-02304-SRC</p> <p>8)</p> <p>9 VERNON BETTS, et al.,)</p> <p>10 Defendants.)</p> <p>11</p> <p>12</p> <p>13 ZOOM DEPOSITION OF SHERIFF VERNON BETTS,</p> <p>14 produced, sworn, and examined on behalf of the</p> <p>15 Plaintiff, on September 3, 2020, between the hours of</p> <p>16 9:57 a.m. and 5:46 p.m. on that day before JO ANN</p> <p>17 STURM, a Registered Professional Reporter, an Illinois</p> <p>18 Certified Shorthand Reporter and a Certified Court</p> <p>19 Reporter within and for the County of St. Louis, State</p> <p>20 of Missouri.</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 3	Page 5
<p>1 Exhibit 12159</p> <p>2 1/12/17 memo</p> <p>3 Exhibit 13160</p> <p>4 4/19/17 Promotion/Demotion List</p> <p>5 Exhibit 16165</p> <p>6 Cannon Performance Evaluation</p> <p>7 Exhibit 17176</p> <p>8 12/11/14 Memo</p> <p>9 Exhibit 26188</p> <p>10 Letters of interest in promotion</p> <p>11 Exhibit 22269</p> <p>12 Deputies for Promotional</p> <p>13 Consideration</p> <p>14 Exhibit 23273</p> <p>15 Considerations for Sergeant</p> <p>16 The original exhibits were retained by</p> <p>17 counsel.</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 APPEARANCES</p> <p>2</p> <p>3 The Plaintiff, JOHN N. CASTELLANO, III,</p> <p>4 was represented by Ms. Lynette M. Petruska of the law</p> <p>5 firm of Pleban & Petruska, LLC, 2010 South Big Bend</p> <p>6 Boulevard, St. Louis, Missouri 63117.</p> <p>7 The Defendants, VERNON BETTS, et al.,</p> <p>8 were represented by Ms. Korey Lewis of the City</p> <p>9 Counselor's Office, 314 City Hall, St. Louis, Missouri</p> <p>63103.</p> <p>10</p> <p>11 Also Present: Mr. John Castellano, III</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

Sheriff Vernon Betts

<p style="text-align: right;">Page 22</p> <p>1 head gestures. Korey and I don't want to be fighting</p> <p>2 after the deposition is over whether an uh-huh was a</p> <p>3 yes or a no. So if you say that clearly, we can avoid</p> <p>4 those issues.</p> <p>5 I'm assuming all of those little rules for a</p> <p>6 deposition are agreeable to you?</p> <p>7 A Yes.</p> <p>8 Q I had a police chief once tell me I wasn't</p> <p>9 going to tell him what to do, and he walked out after</p> <p>10 I did that. So I'm glad to see we don't have to deal</p> <p>11 with that today.</p> <p>12 Let me ask you first. Does the sheriff's</p> <p>13 department have any kind of a rule about whether an</p> <p>14 employee can work for it when it has an outstanding</p> <p>15 tax obligation, whether that be local, state or</p> <p>16 federal?</p> <p>17 A We do not.</p> <p>18 Q And some public employers, right, if you owe</p> <p>19 a public entity money, they'll give you a notice and</p> <p>20 then if you don't take care of it, they'll suspend you</p> <p>21 until you take care of the public entity. But you</p> <p>22 don't do any of that is my understanding, correct?</p> <p>23 A Correct.</p> <p>24 Q Before the lawsuit was filed, you're aware</p> <p>25 that John Castellano filed three charges of</p>	<p style="text-align: right;">Page 24</p> <p>1 Q So what did you and Colonel Roberts discuss</p> <p>2 when you received the charge?</p> <p>3 A Both kind of flabbergasted, and I think we</p> <p>4 then felt we should share that with my attorney.</p> <p>5 Q And your attorney is the City Counselor's</p> <p>6 office; is that correct?</p> <p>7 A Yes, but I don't think -- I have a personal</p> <p>8 attorney who I think we might have shared that with</p> <p>9 first.</p> <p>10 Q Let me ask you again. I'm not asking for</p> <p>11 communications you had with your personal attorney,</p> <p>12 but who is your personal attorney?</p> <p>13 A At that time it was Jolene Taft.</p> <p>14 Q Did she work for the sheriff's department or</p> <p>15 was she external to the sheriff's department?</p> <p>16 A She was external to the sheriff's</p> <p>17 department.</p> <p>18 Q Did you charge anybody in your department to</p> <p>19 do an investigation regarding the first charge of</p> <p>20 discrimination, Exhibit 1?</p> <p>21 A No.</p> <p>22 Q Why not?</p> <p>23 A I didn't think I should. I didn't think I</p> <p>24 needed to. We would wait and see what happens.</p> <p>25 Q How did you become aware of the charge? Who</p>
<p style="text-align: right;">Page 23</p> <p>1 discrimination, correct?</p> <p>2 A Yes.</p> <p>3 Q Did you review each of those charges? When</p> <p>4 they were given to the sheriff's office, did you</p> <p>5 actually read them?</p> <p>6 A Yes.</p> <p>7 Q So you have seen -- let me pull it up here</p> <p>8 real quickly. You have seen before what I've marked</p> <p>9 as Exhibit 1, which is the April 19th, 2017 charge of</p> <p>10 discrimination that was filed in June of 2017; is that</p> <p>11 correct?</p> <p>12 A Correct.</p> <p>13 Q Let me ask you first. Other than talking to</p> <p>14 your attorneys, what did you do when you received that</p> <p>15 charge?</p> <p>16 A Fell out of my chair. No. I read it and</p> <p>17 probably shared that information with my chief of</p> <p>18 staff.</p> <p>19 Q That's Colonel Roberts, is my understanding?</p> <p>20 A Yes.</p> <p>21 Q And my understanding is he is, himself, a</p> <p>22 lawyer?</p> <p>23 A Yes.</p> <p>24 Q Were you seeking legal advice from him?</p> <p>25 A Not at that moment.</p>	<p style="text-align: right;">Page 25</p> <p>1 made you aware of Exhibit 1?</p> <p>2 A I believe I got something in the mail from</p> <p>3 EEOC.</p> <p>4 Q So you actually received the mail, opened it</p> <p>5 and became aware of the charge.</p> <p>6 A Yes.</p> <p>7 Q Did you do anything else with respect to</p> <p>8 Exhibit 1 after you received it, other than talking to</p> <p>9 either your personal attorney or the City Counselor's</p> <p>10 office, other than this brief conversation it sounds</p> <p>11 like you had with Colonel Roberts?</p> <p>12 A No, I didn't do anything with that.</p> <p>13 Q If I'm understanding your testimony</p> <p>14 correctly, the only thing you and Colonel Roberts</p> <p>15 discussed is what you should do with it?</p> <p>16 A Yes.</p> <p>17 Q And the decision was that what you should do</p> <p>18 with it was let an attorney know.</p> <p>19 A Right, and then go back and see what</p> <p>20 happened.</p> <p>21 Q And at some time did you become aware of</p> <p>22 John Castellano filing a second charge of</p> <p>23 discrimination?</p> <p>24 A Yes.</p> <p>25 Q The second charge of discrimination, would</p>

7 (Pages 22 to 25)

Sheriff Vernon Betts

<p style="text-align: right;">Page 26</p> <p>1 that be what I have Bates-labeled as Exhibit 2, which</p> <p>2 is alleged to have taken place on August 7th of 2017?</p> <p>3 A I'm assuming so because I was informed about</p> <p>4 a second suit I think from Corey. I'm not sure who</p> <p>5 told me about the second suit.</p> <p>6 Q And actually, I'm not talking about a</p> <p>7 lawsuit, I'm talking about this actual charge of</p> <p>8 discrimination. So you would have received this -- if</p> <p>9 it was file-stamped in October of '17, you would have</p> <p>10 received it sometime probably in October of '17.</p> <p>11 A Yes.</p> <p>12 Q And how did you become aware of the second</p> <p>13 charge? Did you also receive that in the mail or did</p> <p>14 somebody give it to you?</p> <p>15 A I believe so.</p> <p>16 Q Which one, received it in the mail or</p> <p>17 somebody gave it to you?</p> <p>18 A I believe I received it in the mail.</p> <p>19 Q So then what did you do when you received</p> <p>20 the second charge of discrimination?</p> <p>21 A Basically the same thing, just shared it</p> <p>22 with, you know, my chief of staff and the lawyer and</p> <p>23 put it away in the drawer.</p> <p>24 Q Did you request any investigation after the</p> <p>25 second charge?</p>	<p style="text-align: right;">Page 28</p> <p>1 charge.</p> <p>2 Q So having reviewed Exhibit 3, it refreshes</p> <p>3 your recollection that you've seen it before today; is</p> <p>4 that correct?</p> <p>5 A Correct.</p> <p>6 Q Did you become aware of the third charge the</p> <p>7 same way, you received it in the mail, you opened it</p> <p>8 and you read it?</p> <p>9 A I don't remember.</p> <p>10 Q Do you know what you did when you received</p> <p>11 the third charge?</p> <p>12 A Probably the same thing I did with the other</p> <p>13 charges, tuck it away and let's see what happens.</p> <p>14 Q Did you charge anybody to investigate the</p> <p>15 third charge of discrimination, Exhibit 3?</p> <p>16 A No.</p> <p>17 Q And why not?</p> <p>18 A Same reason. They were false charges, so I</p> <p>19 didn't see any reason. Investigate who, investigate</p> <p>20 what? I had no reason to investigate anybody. False</p> <p>21 charges, as far as I was concerned.</p> <p>22 Q Wasn't Deputy Castellano asking that you be</p> <p>23 investigated?</p> <p>24 A I guess that's what he was doing. I don't</p> <p>25 know.</p>
<p style="text-align: right;">Page 27</p> <p>1 A No.</p> <p>2 Q And why not?</p> <p>3 A I didn't see no need to.</p> <p>4 Q Why didn't you feel there was a need to</p> <p>5 investigate whether you had discriminated?</p> <p>6 MS. LEWIS: Object that it misstates</p> <p>7 testimony.</p> <p>8 BY MS. PETRUSKA:</p> <p>9 Q Subject to that, you can answer.</p> <p>10 A Ask me the question again.</p> <p>11 Q Why did you not believe there was a need to</p> <p>12 investigate this allegation of discrimination?</p> <p>13 A Well, because it wasn't true, so what was</p> <p>14 there for me to look into?</p> <p>15 Q And the other reason?</p> <p>16 A Same thing.</p> <p>17 Q And then at a certain point then you also</p> <p>18 received a third charge of discrimination, which I've</p> <p>19 marked as Exhibit 3, that relates to an incident that</p> <p>20 took place on 11/26 of '18; is that correct?</p> <p>21 A I guess. I'm not familiar with a third</p> <p>22 charge of discrimination.</p> <p>23 Q Let me give you a second. Take a second to</p> <p>24 look at that to see if it refreshes your recollection.</p> <p>25 A Okay. Okay, I'm somewhat familiar with this</p>	<p style="text-align: right;">Page 29</p> <p>1 Q All three charges accuse you of race and/or</p> <p>2 retaliation discrimination in terms of making</p> <p>3 promotions, correct?</p> <p>4 A Correct.</p> <p>5 Q And my understanding is you are the</p> <p>6 decision-maker in the sheriff's department in terms of</p> <p>7 making promotions; is that correct?</p> <p>8 A Correct.</p> <p>9 Q So basically he was accusing you of</p> <p>10 discriminating or retaliating against him, correct?</p> <p>11 A Correct.</p> <p>12 Q And my understanding is you testified a</p> <p>13 minute ago that they're false charges, so you denied</p> <p>14 discriminating against Deputy Castellano; is that</p> <p>15 correct?</p> <p>16 A That's correct.</p> <p>17 Q Did it make you angry that Deputy Castellano</p> <p>18 was accusing you of that kind of conduct?</p> <p>19 A Yeah, it ticked me off a little bit.</p> <p>20 Q And why was that?</p> <p>21 A Would you like to get accused of being</p> <p>22 racist?</p> <p>23 Q Sir, unfortunately, the reality today is I</p> <p>24 get to ask the questions, not you. Is that your</p> <p>25 answer, though? You answered with a question. If</p>

8 (Pages 26 to 29)

Sheriff Vernon Betts

Page 62	Page 64
<p>1 Sheriff, to one of the documents I'm hoping you have</p> <p>2 at this point, and that would be Exhibit 6, your</p> <p>3 January 3rd, 2017 manual.</p> <p>4 A I have that.</p> <p>5 Q This was produced to me by the City, and</p> <p>6 it's got Bates numbers of 1 to 75. I know they just</p> <p>7 gave me what you gave them, but I want to verify</p> <p>8 through you this is a complete copy of the</p> <p>9 January 3rd, 2017 sheriff's manual; is that correct?</p> <p>10 A Correct.</p> <p>11 Q And you promulgated the manual, because on</p> <p>12 page one it says Vernon Betts, correct?</p> <p>13 A Correct.</p> <p>14 Q Now, let me ask you this, because this is</p> <p>15 just a couple of days after you're sworn in. Did you</p> <p>16 just repromulgate Murphy's manual? You have a</p> <p>17 transition period. You know you've been elected and</p> <p>18 you know you're going to be sworn in. So did you</p> <p>19 repromulgate Murphy's manual with your name on it or</p> <p>20 did you create your own new manual to try and show</p> <p>21 that you were going to do things differently?</p> <p>22 A Well, this is the one, Exhibit 6 is Murphy's</p> <p>23 manual that I just determined that you use --</p> <p>24 Q Repromulgated?</p> <p>25 A Yeah. But because later on I did -- we did</p>	<p>1 what areas you're going to do appraisals on, which is</p> <p>2 on page 16. And then if you go to page 17, it talks</p> <p>3 about the completion of the performance appraisal.</p> <p>4 And then if you go one more page out, the</p> <p>5 procedure, it talks about by the third day of the</p> <p>6 month, every supervising officer will receive a list</p> <p>7 of all subordinates who report directly so that they</p> <p>8 know what evaluations they're supposed to do. Does</p> <p>9 that list go out?</p> <p>10 A By the third day of the month, each</p> <p>11 supervising officer will receive a list of all</p> <p>12 subordinates who report to such supervising officers</p> <p>13 and hiring -- ask me that question again. Did this</p> <p>14 procedure go out?</p> <p>15 Q Right. It sounds like according to the</p> <p>16 procedure, sergeants or lieutenants get a rolling list</p> <p>17 every month of these are the people we want you to</p> <p>18 evaluate.</p> <p>19 A No.</p> <p>20 Q Does that list go out?</p> <p>21 A Yeah, that kind of went out. We don't</p> <p>22 adhere specifically to that.</p> <p>23 Q So the list of people to be evaluated does</p> <p>24 not go out electronically somehow to remind people.</p> <p>25 But you're saying that people still do the</p>
Page 63	Page 65
<p>1 do a new -- I think you got Exhibit 7.</p> <p>2 Q So at a later date, you look at the manual</p> <p>3 and you make the changes you want to make in it, but</p> <p>4 when you first take office, you say Murphy's -- I'm</p> <p>5 going to be a little bit snarky here, Murphy's law</p> <p>6 controls.</p> <p>7 A Yes.</p> <p>8 Q Murphy's law, isn't that where everything</p> <p>9 bad happens to you or something?</p> <p>10 A Yes.</p> <p>11 Q You keep his rules and regulations into</p> <p>12 effect until you get a sense of what's going on in the</p> <p>13 office.</p> <p>14 A Yes, ma'am.</p> <p>15 Q And what I want to do is direct you to</p> <p>16 Section 5 of the manual, it's at page 15, whether you</p> <p>17 look at the Bates number or the actual page number.</p> <p>18 A I got it.</p> <p>19 Q And it talks about the appraisal process.</p> <p>20 A Yes.</p> <p>21 Q Do you see that?</p> <p>22 A Yes, I have it.</p> <p>23 Q So it talks about, like you said, that the</p> <p>24 performance appraisal is done annually during the</p> <p>25 month of their anniversary of hire. It talks about</p>	<p>1 evaluations, is my understanding, correct?</p> <p>2 A Yes.</p> <p>3 Q I've got you now.</p> <p>4 If you go to subparts four and five of</p> <p>5 Section E, the procedure, it does say that the final</p> <p>6 evaluation goes to the sheriff or his designee by the</p> <p>7 end of the month, unless there is an extension.</p> <p>8 Since you've been sheriff, do you receive a</p> <p>9 number of evaluations at the end of each month?</p> <p>10 A I receive those evaluations throughout the</p> <p>11 course of the month because everybody basically tries</p> <p>12 to give me their evaluation of that employee on that</p> <p>13 employee's anniversary date.</p> <p>14 Q You're not getting them all as one stack at</p> <p>15 the end of the month, you're getting them as they come</p> <p>16 in during the month.</p> <p>17 A Yes.</p> <p>18 Q The bottom line is you're getting a number</p> <p>19 of evaluations during the course of the month, and</p> <p>20 that's how you know that people are being evaluated</p> <p>21 like they're supposed to be.</p> <p>22 A Yes.</p> <p>23 Q It says: The final step in the process is</p> <p>24 the sheriff will review all completed performance</p> <p>25 evaluations.</p>

17 (Pages 62 to 65)

Sheriff Vernon Betts

<p style="text-align: right;">Page 66</p> <p>1 And my understanding of your previous</p> <p>2 testimony is you do that.</p> <p>3 A Yes, ma'am.</p> <p>4 Q Because the other part talks about you can</p> <p>5 have a designee, but you don't designate somebody to</p> <p>6 do that, you do it yourself, is my understanding.</p> <p>7 A Yes, ma'am, I do that myself.</p> <p>8 Q And then it talks about a process that can</p> <p>9 be followed for below standards. If there's a below</p> <p>10 standard overall evaluation, do you follow that</p> <p>11 process that's set forth in paragraph six? We're now</p> <p>12 on page 19.</p> <p>13 A Yes, ma'am.</p> <p>14 Q So basically it says in terms of below</p> <p>15 standards, you can look at it and you can overrule a</p> <p>16 below standards rating. Have you ever overruled a</p> <p>17 below standards rating?</p> <p>18 A Yes.</p> <p>19 Q How many times would you say you've done</p> <p>20 that in your three years and nine months as sheriff?</p> <p>21 A Just a few times.</p> <p>22 Q Do you remember any of the deputies you've</p> <p>23 done it for?</p> <p>24 A No, I don't remember the deputies</p> <p>25 specifically, but I remember the reasons, the</p>	<p style="text-align: right;">Page 68</p> <p>1 A I do.</p> <p>2 Q And you would have considered -- I'm</p> <p>3 assuming, but I'm not trying to put words in your</p> <p>4 mouth, you would consider the appraisal process to be</p> <p>5 particularly important if you thought you were</p> <p>6 inheriting a dysfunctional department, right?</p> <p>7 A Yes, ma'am.</p> <p>8 Q You want this written feedback to see how</p> <p>9 your deputies are doing and who you need to improve or</p> <p>10 let go, right?</p> <p>11 A Yes, ma'am.</p> <p>12 Q Let me ask you this: Since you've been</p> <p>13 sheriff, how many deputies have you had to terminate?</p> <p>14 A I've terminated several deputies.</p> <p>15 Q Can you give me -- several is a range. Has</p> <p>16 it been more than five but less than ten?</p> <p>17 A Yes. Well, let me think for a minute.</p> <p>18 Q Sure, sure, take your time.</p> <p>19 A I'm thinking right off the top of my head, I</p> <p>20 can tell you about five. Five come to mind right off</p> <p>21 the top of my head.</p> <p>22 Q And just let me -- since this isn't a</p> <p>23 termination case, the five that you can think of, how</p> <p>24 many are black and how many are white?</p> <p>25 A I think all of them were black.</p>
<p style="text-align: right;">Page 67</p> <p>1 incident, the reasoning that I did.</p> <p>2 Q And what would be the reason that you would</p> <p>3 overrule a below standards evaluation?</p> <p>4 A When that supervisor grades that person and</p> <p>5 that grading is not consistent with other facets of</p> <p>6 the evaluation, then I may overrule a specific section</p> <p>7 of that evaluation.</p> <p>8 And that example would be if you are -- I'm</p> <p>9 very picky about time, being on time, and your</p> <p>10 attendance. And if a person has perfect attendance,</p> <p>11 they shouldn't be graded poorly. But that has</p> <p>12 happened a couple of times, so I've overruled that.</p> <p>13 Q So someone showing up regularly and doing</p> <p>14 their job and getting a poor performance evaluation,</p> <p>15 you might look into that and supersede the</p> <p>16 individual's supervisor's poor performance evaluation;</p> <p>17 is that correct?</p> <p>18 A That's correct.</p> <p>19 Q If you look at -- if you go back to</p> <p>20 section -- or page 15, section one, it says: The</p> <p>21 purpose of the appraisal is to promote effective</p> <p>22 personnel management in the sheriff's department.</p> <p>23 And do you agree that an annual performance</p> <p>24 appraisal helps you to effectively manage the</p> <p>25 personnel in your department?</p>	<p style="text-align: right;">Page 69</p> <p>1 Q And then you referenced it before. I'm</p> <p>2 going to have you pick up now what's been marked as</p> <p>3 Exhibit 7 for purposes of deposition.</p> <p>4 A Yes.</p> <p>5 Q And this is a manual that's dated March 16th</p> <p>6 of 2018. Is this the manual that you rewrote after</p> <p>7 you had been in office for a period of time and then</p> <p>8 promulgated as your policies and procedures?</p> <p>9 A Yes.</p> <p>10 Q And I'm just going to first ask you, this</p> <p>11 particular manual is Bates labeled 971 to 1,078. Is</p> <p>12 it your complete manual?</p> <p>13 A Yes.</p> <p>14 Q If you go to the same section five, which I</p> <p>15 believe is still at the same corresponding pages, so</p> <p>16 page 15 of the actual manual, the Bates label 986,</p> <p>17 there is the performance appraisal process. I've</p> <p>18 taken a look at it and I'm certainly giving you as</p> <p>19 much time as you need to look at it, but it's my</p> <p>20 understanding that that particular performance</p> <p>21 appraisal process did not change when you did</p> <p>22 revisions to the manual. It's the same one that's</p> <p>23 been in effect since you've been elected, correct?</p> <p>24 A Pretty much. I believe so, yes.</p> <p>25 Q Like I said, if you want to take your time</p>

18 (Pages 66 to 69)

Sheriff Vernon Betts

Page 122	Page 124
<p>1 A Yeah, yeah.</p> <p>2 Q So there's four people that you've promoted</p> <p>3 to lieutenant.</p> <p>4 A Right. Okay. I just overlooked him.</p> <p>5 Right.</p> <p>6 Q And so let me ask it this way. For Davis,</p> <p>7 where is she assigned as a lieutenant?</p> <p>8 A She's a lieutenant over the Civil Courts</p> <p>9 Building.</p> <p>10 Q And how about Roop?</p> <p>11 A Dawn Roop is the lieutenant over the</p> <p>12 Carnahan Building.</p> <p>13 Q And how about Hogan?</p> <p>14 A Hogan is the lieutenant over outside</p> <p>15 service.</p> <p>16 Q And Gamache?</p> <p>17 A Mike Gamache is lieutenant over</p> <p>18 transportation.</p> <p>19 Q And then -- so if I'm remembering the</p> <p>20 numbers correctly, the three other lieutenants have</p> <p>21 been there since before you took office.</p> <p>22 A Yes.</p> <p>23 Q I'm going to represent to you that we have</p> <p>24 records that show that there have been 12 people</p> <p>25 promoted from deputy to sergeant. Does that sound</p>	<p>1 was promoted to lieutenant on January 8th of 2018, so</p> <p>2 about seven or eight months later. How is it that she</p> <p>3 gets promoted so quickly?</p> <p>4 A My need to try to fill those spots, to make</p> <p>5 sure I'm getting the confluence with my shop that I</p> <p>6 need. There was an opening there.</p> <p>7 Q How had the opening -- how had the opening</p> <p>8 become available in the lieutenant position? Did</p> <p>9 somebody die, retire?</p> <p>10 A Yeah. I think that lieutenant spot was --</p> <p>11 his name escapes me. We had a lieutenant that</p> <p>12 retired. It will come to me, but that's how that spot</p> <p>13 came open. We had a lieutenant that retired.</p> <p>14 Korey -- I had a lieutenant that I wasn't</p> <p>15 happy with. Korey might be able to help me on this.</p> <p>16 I had a lieutenant that I wasn't happy with because,</p> <p>17 remember, Korey, he couldn't do the time sheets. Do</p> <p>18 you remember that story that included my brother and</p> <p>19 blah, blah, blah?</p> <p>20 MS. LEWIS: I remember the situation. I do</p> <p>21 not remember the name.</p> <p>22 THE WITNESS: The name? Okay. Lynette, I'm</p> <p>23 sorry, I can't --</p> <p>24 BY MS. PETRUSKA:</p> <p>25 Q But that position came open due to a</p>
Page 123	Page 125
<p>1 correct?</p> <p>2 A That could be.</p> <p>3 Q And we're going to go over each one of them.</p> <p>4 Let me ask you this: So Davis is promoted</p> <p>5 to sergeant, according to records, on May 23rd of</p> <p>6 2017. Do you have any reason to dispute that?</p> <p>7 A Felicia Davis was promoted from -- yes.</p> <p>8 Yeah. No, I don't dispute that. And we said</p> <p>9 promoted. Actually, she was already acting sergeant</p> <p>10 when I got here, so I don't really consider that --</p> <p>11 I've never been a proponent of the word "acting."</p> <p>12 Either you're doing it or you're not. And so Felicia</p> <p>13 actually was acting sergeant when I got here, and so</p> <p>14 we just eliminate that word acting.</p> <p>15 Q So you made her a sergeant because she was</p> <p>16 acting in the capacity, you don't like acting, and so</p> <p>17 if somebody's acting, they should have a position, so</p> <p>18 you made her a sergeant.</p> <p>19 A That's how I feel. She was already doing</p> <p>20 the job.</p> <p>21 Q Do you have a time in rank requirement</p> <p>22 before somebody can be promoted from one rank to the</p> <p>23 next?</p> <p>24 A No, I don't.</p> <p>25 Q So records show that Davis, Felicia Davis,</p>	<p>1 retirement.</p> <p>2 A Yes.</p> <p>3 Q Now I'm going to refer you back to your</p> <p>4 manuals, both Exhibits 6 and 7. And you're aware that</p> <p>5 there are promotion processes defined in both of your</p> <p>6 manuals; is that correct?</p> <p>7 A Correct.</p> <p>8 Q And that process or that policy is set out</p> <p>9 at Section 4 in both Exhibit 6 and Exhibit 7, correct?</p> <p>10 A Correct.</p> <p>11 Q And are you familiar with the policy as it's</p> <p>12 defined in your manual?</p> <p>13 A I am.</p> <p>14 Q And it's my understanding that you don't</p> <p>15 follow the policy; is that correct?</p> <p>16 A That's correct.</p> <p>17 MS. LEWIS: Objection. Argumentative.</p> <p>18 BY MS. PETRUSKA:</p> <p>19 Q Why don't you follow the policy?</p> <p>20 A Because I don't have to.</p> <p>21 Q Why do you say that you don't have to?</p> <p>22 A Because the manual tells me I don't have to.</p> <p>23 Q Let me ask it this way, then: Why would you</p> <p>24 promulgate a policy that explains how you're going to</p> <p>25 do promotions if you don't use it?</p>

32 (Pages 122 to 125)

Sheriff Vernon Betts

Page 126	Page 128
<p>1 A It's a guide. We need guidelines, but that</p> <p>2 don't mean I have to adhere strictly to the guideline.</p> <p>3 Q Have you ever used or followed the policy</p> <p>4 that's set forth in Exhibit 6 or Exhibit 7 to make a</p> <p>5 promotion during your tenure as sheriff?</p> <p>6 A I don't believe I have.</p> <p>7 Q Would you agree that the policy, Section 4,</p> <p>8 is the same whether I look at Exhibit 6 or Exhibit 7,</p> <p>9 correct?</p> <p>10 A Correct.</p> <p>11 Q And so let me ask you this: When you take</p> <p>12 office, you put your name on Sheriff Murphy's manual</p> <p>13 and say we're going to continue to follow his</p> <p>14 policies. And I get that, you haven't had a chance to</p> <p>15 look at them, so you're going to do what's been done</p> <p>16 before. But by the time you get to Exhibit 7, why</p> <p>17 would you have a promotion policy that you would put</p> <p>18 in your manual and tell people was going to be how you</p> <p>19 were going to promote people if you already knew you</p> <p>20 weren't going to use it?</p> <p>21 A Well, I didn't know I wasn't going to use</p> <p>22 it. I just didn't use it.</p> <p>23 Q By then you'd been in office for a year and</p> <p>24 three months and you had never used it, correct?</p> <p>25 A Right. And at the time I was making those</p>	<p>1 MS. LEWIS: Objection. Asked and answered.</p> <p>2 THE WITNESS: That's probably the plan.</p> <p>3 We're probably going to do that. Just haven't gotten</p> <p>4 around to it.</p> <p>5 BY MS. PETRUSKA:</p> <p>6 Q Do you know why a policy was first put into</p> <p>7 the policy manual for promotion -- actually, strike</p> <p>8 that whole question, it's bad.</p> <p>9 Do you know why a promotion section was put</p> <p>10 into the manual when it was?</p> <p>11 A No, I don't know why.</p> <p>12 Q Were you ever told that the sheriff's</p> <p>13 department developed a written promotion policy</p> <p>14 because of the previous lawsuit we've talked about?</p> <p>15 A You know, I just lost you all. I clicked on</p> <p>16 something. What do I need -- I'm sorry, Lynette.</p> <p>17 Q We can hear you if you can't hear us.</p> <p>18 (Discussion off the record.)</p> <p>19 BY MS. PETRUSKA:</p> <p>20 Q So the question pending is: Were you ever</p> <p>21 told that the policy was put in place because of the</p> <p>22 previous lawsuit we talked about? I believe it was</p> <p>23 the one where you mentioned -- no, I went too far back</p> <p>24 in my own notes.</p> <p>25 A I can tell you no.</p>
Page 127	Page 129
<p>1 promotions, I didn't see where the policy was the tool</p> <p>2 that I wanted to steer my guidance on on making that</p> <p>3 promotion.</p> <p>4 Q I didn't mean to cut you off.</p> <p>5 A I don't think the policy was what I wanted</p> <p>6 to use to steer me on making that promotion.</p> <p>7 Q So why didn't you write a different policy</p> <p>8 to let deputies know how you were going to make</p> <p>9 promotions?</p> <p>10 A Because I can tell them how I'm going to</p> <p>11 make promotions, which I've done.</p> <p>12 Q What have you told them about how you're</p> <p>13 going to make promotions?</p> <p>14 A Just like we said earlier in this</p> <p>15 conversation, it's noted. It's noted out there that</p> <p>16 promotions, there are openings. You can write me a</p> <p>17 letter, tell me what you think your qualifications are</p> <p>18 that give you the merit to get that position. So</p> <p>19 that's what we've done. We've had people come in, sit</p> <p>20 down and talk to me. They come in and talk to me</p> <p>21 about their merit, and so I can discuss that merit</p> <p>22 with them. I don't necessarily have to have a policy</p> <p>23 that's going to dictate.</p> <p>24 Q Why didn't you just take it out of your</p> <p>25 policy manual when you updated it in March of 2018?</p>	<p>1 Q Tyrone Williams, I guess, was involved.</p> <p>2 A I was never told that that policy was put in</p> <p>3 place because of that lawsuit.</p> <p>4 Q So you knew the policy existed before you</p> <p>5 were there, but you don't know why it existed before</p> <p>6 you were there.</p> <p>7 A Right.</p> <p>8 Q And I just want to check on a couple of</p> <p>9 things. So you have never created an eligibility</p> <p>10 list.</p> <p>11 A Correct.</p> <p>12 Q You have never done written testing as part</p> <p>13 of a promotion process; is that correct?</p> <p>14 A Correct.</p> <p>15 Q Do you review any documents as part of the</p> <p>16 promotion process, whether it's tied to the policy or</p> <p>17 not?</p> <p>18 A No, I don't.</p> <p>19 Q The written policy, I'm sorry.</p> <p>20 A No, I don't.</p> <p>21 Q So you don't look at the discipline record,</p> <p>22 the past performance evaluations, anything like that</p> <p>23 to get a sense of the deputy before you make a</p> <p>24 promotion.</p> <p>25 A I have a sense already when I consider that</p>

33 (Pages 126 to 129)

Sheriff Vernon Betts

Page 130	Page 132
<p>1 person, and usually in my conversation with people in 2 the office, like Tim Haill, if that person has had any 3 kind of disciplinary action, Tim is pretty good at 4 saying, hey, you know this person did such and such 5 and such and such and such and such. 6 Q I'm going to ask this, because it will 7 eliminate -- when I go through each of the individual 8 promotions, it will eliminate this question for each. 9 So when you've considered promoting somebody 10 from deputy to sergeant in each of those 12 times that 11 we're going to talk about shortly, you have never 12 pulled the personnel file to get a sense of their 13 discipline record, their performance evaluations, what 14 training certificates might be in there. 15 A You're right. I never pull the file. 16 Q Like I said, I won't ask that question 12 17 times, then. 18 Have you ever formally waived the promotion 19 policy set forth in Section 5 of your manual? 20 A When you say formally waived. 21 Q Right. 22 A No, I've never formally waived the policy. 23 I guess informally, I've ignored the policy. I think 24 that's what we're talking about. 25 Q And that's what I'm asking about. So is</p>	<p>1 that. So they say what they want to say. 2 Antoine Cannon was working in a position, and when I 3 came on as sheriff, he wasn't or nobody else was 4 automatically promoted just because they had some kind 5 of relationship with me. I think we've discussed how 6 he became promoted. If not, we can always discuss 7 that issue. 8 Q We're going to get into each individual 9 ones, because we just talked broad scope about the 10 process. 11 What kind of a relationship did 12 Antoine Cannon have with you? 13 A A pretty cordial relationship. I knew him 14 well, like I knew several other of the -- a lot of the 15 deputies. I worked here as a deputy, so a pretty 16 cordial relationship with a lot of the deputies. 17 Q Did he work on your campaign? 18 A Yes, he did. 19 Q Did you socialize with him? I don't mean 20 like were you cordial to him when you saw him in the 21 halls, but would you go out for dinner, a beer 22 together? Was he was in your home, were you in his 23 home? 24 A No. I don't socialize with any of my 25 deputies pretty much.</p>
Page 131	Page 133
<p>1 there any document or memo that would say that, you 2 know, for this promotion or from this point going 3 forward, we're waiving or not following this policy? 4 A No. 5 Q Did you promise anybody a promotion before 6 you were elected sheriff? 7 A No. 8 Q And that would include Antoine Cannon, 9 correct? 10 A That would include Mr. Cannon. 11 Q Did you ever hear that he was going around 12 bragging that if you were elected sheriff, he would be 13 promoted to sergeant? 14 A I'm sure he and several other folks probably 15 did that. 16 Q Do you know who the other several folks 17 were? 18 A No. I'm just sure that kind of stuff 19 happens. I'm sure people make those -- Lynette, just 20 off the top of my head I'm kind of laughing because I 21 had one deputy that never even got hired, but he put 22 it in the St. Louis America that he was going to be 23 the new HR guy. That was Pat Hill. 24 So you get that kind of stuff going on, 25 people thinking that they're going to do this and do</p>	<p>1 Q That was going to be my next question again. 2 I think I'm going to let you start doing both ends of 3 this. 4 So there's nobody in the -- you don't -- 5 you're not a person that socializes with your 6 subordinates. You draw the line. 7 A Lynette, now, when we say socialize, if 8 there's something special, one of my deputies calls me 9 and says hey, my birthday, so and so, we're going to 10 be down, I may, I may, I may, but it ain't like every 11 weekend guys are going to be hanging out down at the 12 bar and I'm going down there. No, I don't do that. I 13 don't -- I don't go out with my kids, and I don't go 14 out with my employees. I'm just trying to draw you a 15 picture of the kind of guy that I am. 16 Q And that's what I'm trying to understand. 17 By socialize, I don't mean like if somebody's 18 celebrating 40 years in the sheriff's department and 19 the sheriff's department holds a big party for him and 20 a number of people go and you're one of those people, 21 or something significant happens in their life, like 22 they get married. I'm really talking more about the 23 informal stuff that would signify you're friends as 24 opposed to work colleagues. And that doesn't happen. 25 A No.</p>

34 (Pages 130 to 133)

Sheriff Vernon Betts

Page 154	Page 156
<p>1 A Well, that's what I'm saying. He doesn't</p> <p>2 have all of the attributes that I want in a</p> <p>3 supervisor. So, therefore, it disqualifies him in my</p> <p>4 mind.</p> <p>5 Q So does that mean that while you're sheriff</p> <p>6 that John Castellano will never be promoted to</p> <p>7 sergeant?</p> <p>8 A No, that's not true. You know, he could</p> <p>9 be -- you know, he might go to school, get educated, I</p> <p>10 don't know. Several -- a lot of different things.</p> <p>11 I'm not saying he could never be promoted while I'm</p> <p>12 sheriff, that's not right.</p> <p>13 Q So let me ask it this way: In your mind,</p> <p>14 what would John Castellano need to do to be considered</p> <p>15 for promotion?</p> <p>16 A I'd have to give --</p> <p>17 MS. LEWIS: Sorry, Sheriff. I'm just going</p> <p>18 to object to the form. It's an improper hypothetical.</p> <p>19 Go ahead and answer.</p> <p>20 THE WITNESS: I have to give that some</p> <p>21 thought, some thought about what else John needs to do</p> <p>22 in order to get promoted under Vernon Betts.</p> <p>23 BY MS. PETRUSKA:</p> <p>24 Q Let me know when you've had enough time to</p> <p>25 think about it and then we'll get back to it.</p>	<p>1 promoted, Lynette, something has stood out with them</p> <p>2 that caused me to promote them. I have not seen</p> <p>3 anything with Mr. Castellano that stands out that I</p> <p>4 should put him on my -- top of my list.</p> <p>5 Q Have you ever said anything critical or</p> <p>6 negative about John Castellano to your supervisory</p> <p>7 staff?</p> <p>8 A Well, I don't think I've said anything</p> <p>9 positive about him, I don't know. John Castellano</p> <p>10 doesn't come up in my conversations very often.</p> <p>11 Q And have you ever discussed firing</p> <p>12 Castellano with your supervisory staff?</p> <p>13 A Not yet.</p> <p>14 Q When you say "not yet," it makes it sound</p> <p>15 like it might be on the horizon. Is it on the</p> <p>16 horizon?</p> <p>17 A I don't know.</p> <p>18 MS. LEWIS: Objection. Misstates testimony.</p> <p>19 BY MS. PETRUSKA:</p> <p>20 Q Has John Castellano done anything that would</p> <p>21 make you consider terminating him?</p> <p>22 Did you not hear my question?</p> <p>23 A I heard it.</p> <p>24 Q Okay. I wasn't sure since I wasn't getting</p> <p>25 an answer, and I know we've had connectivity problems</p>
Page 155	Page 157
<p>1 A Do you want me to think about it right now?</p> <p>2 Q I'll give you a few minutes right now. If</p> <p>3 you can't think of anything, we'll move on and I'll</p> <p>4 come back to it.</p> <p>5 A Let's move on. We'll come back to it.</p> <p>6 Q Then let me go back to my previous question.</p> <p>7 Where does he fail in his qualifications in your mind?</p> <p>8 What does he not have that right now he can't be</p> <p>9 promoted?</p> <p>10 A I haven't seen anything out of</p> <p>11 John Castellano that brings him to the forefront of</p> <p>12 being promoted. He's not exceptional in any work. He</p> <p>13 hasn't done anything outstanding since I've been here.</p> <p>14 He definitely doesn't communicate. His communication</p> <p>15 skill is very poor. Extremely poor. I've only spoken</p> <p>16 to the -- the guy has only spoken to me once, I think,</p> <p>17 in the four years that I've been here. And that's a</p> <p>18 major part, communication in being a supervisor in my</p> <p>19 department. You have to be able to relate to the</p> <p>20 employees, communicate. And if you don't even</p> <p>21 communicate with the sheriff, how in the heck are you</p> <p>22 going to communicate with the employees?</p> <p>23 And so, like I said, I've not seen anything</p> <p>24 above and beyond. His work ethic has not stood out in</p> <p>25 any kind of way. And all of those people that I've</p>	<p>1 during the day.</p> <p>2 A I don't even think about Mr. Castellano.</p> <p>3 Q Well, don't you think about the performances</p> <p>4 of all your deputies?</p> <p>5 A Yeah, when it's performance -- when I'm</p> <p>6 evaluating them. From day to day, I don't have a</p> <p>7 specific deputy I come in and I zero in, let me think</p> <p>8 about this particular guy. Too much going on for</p> <p>9 that.</p> <p>10 Q Okay. But per your previous testimony, you</p> <p>11 review all performance appraisals, so you know how</p> <p>12 supervisors are rating their employees, correct?</p> <p>13 A Correct.</p> <p>14 Q And if I'm understanding your testimony,</p> <p>15 and, obviously, I'm not speaking about the future, but</p> <p>16 as we sit here right now, John Castellano hasn't done</p> <p>17 anything related to his job that you're currently</p> <p>18 considering firing him.</p> <p>19 A As it relates to his job? No.</p> <p>20 Q Yes.</p> <p>21 A No.</p> <p>22 Q I want to ask those same questions --</p> <p>23 MS. PETRUSKA: If you don't object, Korey,</p> <p>24 I'm just going to lump them together for speed.</p> <p>25</p>

40 (Pages 154 to 157)

Sheriff Vernon Betts

<p style="text-align: right;">Page 158</p> <p>1 BY MS. PETRUSKA:</p> <p>2 Q Have you talked to -- we've already asked</p> <p>3 about your supervisory staff. Have you talked to</p> <p>4 anybody in the sheriff's department, so any employee,</p> <p>5 about John's job performance, said anything negative</p> <p>6 about him or critical of him or his performance or</p> <p>7 talked to them about terminating his performance?</p> <p>8 A No.</p> <p>9 Q Why did you transfer John to the hospital</p> <p>10 unit on January 12th of 2017?</p> <p>11 A Was it to the hospital unit or was it to,</p> <p>12 like, the transportation unit? So I think, and I'm</p> <p>13 not sure, I may have this all mixed up, but we had --</p> <p>14 are you there?</p> <p>15 Q Yeah. I think I was trying to get -- let me</p> <p>16 take this off. I think I was trying to get an exhibit</p> <p>17 ready to refresh your recollection, but go ahead.</p> <p>18 A We had made a personnel move where we -- I</p> <p>19 think that's where we promoted Mr. Cannon, because we</p> <p>20 had demoted Mr. Norise, so we had that open spot that</p> <p>21 we needed to fill. So I think that's why we moved</p> <p>22 Mr. Castellano to that spot, which I think was an</p> <p>23 increase in pay.</p> <p>24 Q Let me do this. I'm going to see if this</p> <p>25 refreshes your recollection. I'm going to show you --</p>	<p style="text-align: right;">Page 160</p> <p>1 nights to retaliate against him?</p> <p>2 A He hadn't done anything for me to have to</p> <p>3 retaliate against.</p> <p>4 Q So the answer would be no, you didn't do it</p> <p>5 to retaliate against him.</p> <p>6 A Right. No.</p> <p>7 Q You testified a moment ago that -- let me</p> <p>8 get this off.</p> <p>9 (Discussion off the record.)</p> <p>10 BY MS. PETRUSKA:</p> <p>11 Q Sheriff, I'm showing you what's been marked</p> <p>12 as Plaintiff's Exhibit 13. It's an email -- or a</p> <p>13 promotion/demotion list dated April 19, 2017, which is</p> <p>14 what you talked about before. Castellano is</p> <p>15 transferred to the jail crew and Cannon is promoted to</p> <p>16 sergeant, correct?</p> <p>17 A Correct.</p> <p>18 Q Let me ask you first, why did Norise get</p> <p>19 demoted?</p> <p>20 A Because he had been written up twice by his</p> <p>21 supervisor and continued to just violate rules and do</p> <p>22 stuff that he didn't have no business doing. I would</p> <p>23 have to go back and look up the specific write-ups,</p> <p>24 but I can remember that he was written up twice by his</p> <p>25 supervisor. And the first time he was written up I</p>
<p style="text-align: right;">Page 159</p> <p>1 is it up there?</p> <p>2 A Yeah, something's there.</p> <p>3 Q Are you seeing a document, and if I scroll</p> <p>4 down, it says Depo 12?</p> <p>5 A Yes.</p> <p>6 Q This is a memo dated January 12th of 2017</p> <p>7 that says effective Wednesday, January 18, Castellano</p> <p>8 is going from the courts to the hospital unit and</p> <p>9 Burklow is going from the hospital unit to the courts.</p> <p>10 A Yeah, I see that.</p> <p>11 Q And that would be your signature at the</p> <p>12 bottom, correct?</p> <p>13 A That's correct.</p> <p>14 Q And so why did you make that transfer?</p> <p>15 A Burklow is going from the hospital unit to</p> <p>16 Carnahan extra board -- I can't remember exactly what</p> <p>17 was going on, but I know Burklow didn't end up moving,</p> <p>18 but we needed somebody in that -- and that wasn't -- I</p> <p>19 don't know if he actually went to the hospital unit.</p> <p>20 But I do remember this. I do remember him being</p> <p>21 transferred.</p> <p>22 Q Did you transfer him to nights to retaliate</p> <p>23 against him?</p> <p>24 A For what?</p> <p>25 Q I'm just asking. Did you transfer him to</p>	<p style="text-align: right;">Page 161</p> <p>1 had given him a warning that if he continued, that he</p> <p>2 would lose his rank.</p> <p>3 Q But you don't remember why he was written</p> <p>4 up?</p> <p>5 A No, I don't remember specifically why the</p> <p>6 lieutenant steward wrote him up, but I know he was</p> <p>7 wrote up twice before he lost his rank.</p> <p>8 Q Bottom line, though, it's a disciplinary</p> <p>9 demotion, involuntary, he doesn't request it.</p> <p>10 A Right.</p> <p>11 Q And is April of 2017, then, with this</p> <p>12 demotion, it sounds like that's the first time you</p> <p>13 have a sergeant's opening, correct?</p> <p>14 A Correct.</p> <p>15 Q Why do you transfer Castellano to the jail</p> <p>16 crew on April 19th?</p> <p>17 A Because promoting Antoine Cannon now to</p> <p>18 sergeant gives me a vacancy, and I needed somebody to</p> <p>19 help Antoine Cannon on that crew.</p> <p>20 Q So his moving up the rank creates an opening</p> <p>21 below him. I've got you now.</p> <p>22 A Right.</p> <p>23 Q Again, I'm going to try to do this in a</p> <p>24 broad stroke. It's my understanding that with the</p> <p>25 exception of maybe some roll calls that you don't</p>

41 (Pages 158 to 161)

Sheriff Vernon Betts

Page 162	Page 164
<p>1 remember the specific dates, it was not your policy or 2 practice to say I've got this opening right now, 3 please apply by this date if you're interested. 4 A Right. 5 Q So there's no announcement related to what 6 I'm going to call the April sergeant's opening. No 7 specific announcement, there might have been a verbal 8 announcement. 9 A And you're correct. 10 Q Do you know, according to my documentation, 11 it looks like you do eight or nine promotions to 12 sergeant, which results in the promotion of the 12 13 people. So there's a couple of times that you're 14 promoting two people on the same day, okay? So in 15 terms of those eight or nine promotions, do you know 16 how many times you announced openings at the roll call 17 meetings? 18 A I do not. 19 Q So if I'm understanding your testimony, you 20 had a sergeant's opening in the transportation unit -- 21 A Yes. 22 Q -- because of Norise's demotion. 23 A Yes. 24 Q Did anybody apply for this particular 25 position?</p>	<p>1 A Only after this all of this stuff kicked 2 off. 3 Q You learned about that related to the 4 lawsuits is what I'm understanding, correct? 5 A Yes. 6 Q Told you I wouldn't ask you that whole set 7 of questions about review because we covered it all, 8 so I'm not going to do it. 9 So why did you promote Cannon to this 10 particular sergeant's promotion? 11 A Because he was working hand and hand with 12 Norise Chapelle, the two of them had been working 13 together. He knew the job, knew the responsibility. 14 He was carrying out the responsibility, from what I 15 could see and understand, in a very excellent fashion. 16 So all I simply considered myself doing was removing 17 Chapelle from that position and moving Antoine Cannon 18 up. That's all I really considered myself doing, is 19 moving him up. 20 He was already doing what they did at night. 21 The two of them worked together, and so there was no 22 reason to go do a search for somebody to put in that 23 spot when you've already got somebody working right 24 there in that spot. Know the job, got the education, 25 and had been there, promote him. So that's what I</p>
Page 163	Page 165
<p>1 A No. 2 Q Who did you consider for this particular 3 promotion? 4 A Mr. Cannon. 5 Q Is he the only one you considered? 6 A Yes. There's a reason for that. 7 Q We're going to get to that. Did any 8 supervisors recommend Cannon or anybody else for this 9 particular promotion? 10 A No. 11 Q You said you considered Castellano for 12 certain promotions, so did you consider Castellano for 13 this particular promotion? 14 A No. And when I say I considered, that's 15 been after the fact, after all of this here. Things 16 that have gone on the last several months, 17 Mr. Castellano popped in my head. But, no, at the 18 time that all this is going on, no, Mr. Castellano was 19 not considered at this time. 20 Q Were you aware that Castellano had expressed 21 interest in open sergeant positions before Murphy 22 retired? 23 A No. 24 Q Did somebody forward any kind of 25 communication along that line to you?</p>	<p>1 did. 2 Q So it was your understanding that he was 3 doing a good job in the position? 4 A He was doing a good job. I'm observing all 5 of that. 6 Q If he was evaluated after you took office 7 and before he was promoted, you would have seen and 8 reviewed his evaluation, correct? 9 A Correct. 10 Q Can you see what's been marked as Depo 11 Exhibit 16 at this point? 12 A Yes, ma'am. 13 Q And that is Cannon's performance evaluation 14 at the jail crew by Sergeant Norise, correct? 15 A Yes. 16 Q And it's dated January 24th of 2017, 17 correct? 18 A Yes, ma'am. 19 Q And you would have seen that then because 20 it's in his personnel file, correct? 21 A I don't know if I have that in my file, and 22 I said a few minutes ago that I would have seen it. I 23 would have seen it if it was given to me, and I don't 24 believe this was ever given to me. 25 Q Let me ask you first. It says: Rating</p>

42 (Pages 162 to 165)

Sheriff Vernon Betts

Page 166	Page 168
<p>1 commander should consult Procedural Order 99-001 and</p> <p>2 99-002 regarding the preparation of the performance</p> <p>3 appraisal.</p> <p>4 What are those?</p> <p>5 A I don't have a clue.</p> <p>6 Q You said before that one of the things that</p> <p>7 was important to you in terms of promoting somebody is</p> <p>8 that they're there and do the job, correct?</p> <p>9 A Correct.</p> <p>10 Q Do you see here that Cannon needed</p> <p>11 improvement in terms of attendance in January of 2017?</p> <p>12 A I see that.</p> <p>13 Q And Norise rated him as needing improvement</p> <p>14 in his knowledge of the position in January of 2017?</p> <p>15 A I see that.</p> <p>16 Q And that he needed improvement in complying</p> <p>17 with the rules, regulations and authority in</p> <p>18 January 2017, correct?</p> <p>19 A Correct. I see all of that.</p> <p>20 Q As well as supervisory performance.</p> <p>21 A Right.</p> <p>22 Q So you said that your practice is to talk to</p> <p>23 the supervisor about -- the immediate supervisor about</p> <p>24 somebody you're thinking about promoting. Did you</p> <p>25 talk to Norise about Cannon?</p>	<p>1 A Correct.</p> <p>2 Q So I'm not going to ask you how you compared</p> <p>3 them to other candidates, okay?</p> <p>4 I know I asked you to describe your process</p> <p>5 for promotions earlier and you outlined that</p> <p>6 generally. But in your answer to interrogatory 15 in</p> <p>7 the state lawsuit, you said that you promote someone</p> <p>8 on merit based on your personal knowledge, okay?</p> <p>9 A Okay.</p> <p>10 Q I can show you that interrogatory answer if</p> <p>11 you want, but to save time, you can accept my</p> <p>12 representation.</p> <p>13 A I go along with what you're saying.</p> <p>14 Q What I want to understand is when you say</p> <p>15 you promote somebody based on merit, what does merit</p> <p>16 mean to you?</p> <p>17 A Merit means to me, and we have said this</p> <p>18 earlier in our conversation, merit means to me that</p> <p>19 that person has conducted himself in a professional</p> <p>20 way on the job, carried out the responsibilities of</p> <p>21 the job, and conducts himself off the job, but</p> <p>22 basically on the job conducts himself, carries out the</p> <p>23 responsibility, communicates with his supervisor and</p> <p>24 his employer, has done those things that we asked him</p> <p>25 to do. And when I say "those things," the</p>
Page 167	Page 169
<p>1 A I did not.</p> <p>2 Q Why not?</p> <p>3 A Probably because Norise is Norise, and just</p> <p>4 like I'm looking at this evaluation and I bet this</p> <p>5 evaluation is probably -- I bet Cannon would have</p> <p>6 total objection. This is the first time I've seen</p> <p>7 this, and I'm sure Cannon would object to this</p> <p>8 evaluation. And I'm saying that this evaluation is</p> <p>9 probably the way that it is not so much because of the</p> <p>10 employee merits this, but because of the supervisor</p> <p>11 grading him, and that's one reason why that supervisor</p> <p>12 is no longer the supervisor.</p> <p>13 Q But, I mean, again, you're the sheriff, so</p> <p>14 if you disagreed with this evaluation, you could have</p> <p>15 overwritten it in January of 2017, correct?</p> <p>16 A What I'm saying to you, Lynette, is I never</p> <p>17 got this evaluation.</p> <p>18 Q Anything else that factored into your</p> <p>19 decision to promote Cannon to the sergeant's position</p> <p>20 in transportation?</p> <p>21 A No.</p> <p>22 Q And again, if I'm understanding your</p> <p>23 previous testimony, you never considered anybody else</p> <p>24 for the first promotion other than Cannon, so you</p> <p>25 didn't compare him to other candidates, correct?</p>	<p>1 responsibilities of his job based on as I communicate</p> <p>2 with his supervisors. Do I get any reflection on this</p> <p>3 guy not doing what he's supposed to do? And so the</p> <p>4 reports that I get from supervision.</p> <p>5 So when I say merit, this person has done</p> <p>6 basically those things that I think are things that</p> <p>7 would qualify him for being promoted or whatever.</p> <p>8 Q And if I'm understanding your testimony,</p> <p>9 then, so merit is basically what -- when we were</p> <p>10 talking about qualities before, merit is the quality</p> <p>11 you identified before.</p> <p>12 A Sure.</p> <p>13 Q I've got you now. When you say based on</p> <p>14 your personal knowledge, how do you obtain personal</p> <p>15 knowledge of these folks that you're considering for</p> <p>16 promotion?</p> <p>17 A How do I obtain personal -- when I say I'm</p> <p>18 promoting these people based on personal knowledge, my</p> <p>19 knowledge of the skills that it takes to carry</p> <p>20 yourself on a job. And so I obtain that knowledge by</p> <p>21 interviewing, talking to -- as we said, talking to</p> <p>22 their supervisor, seeing what the person had done. A</p> <p>23 lot of these jobs, I've actually gone with the</p> <p>24 employees to actually see what's done, know what's</p> <p>25 going on. I'm out on the floor, I'm not in the office</p>

43 (Pages 166 to 169)

Sheriff Vernon Betts

Page 170	Page 172
<p>1 24/7 and all that kind of stuff, but I'm out on the 2 floor, watching and seeing. And so from my 3 observation, and then, like I said, from communicating 4 with the other supervisors, maybe not even his own 5 immediate supervisor. 6 Because people are going to make reports. 7 Maybe not technical or direct reports, but just by 8 verbally saying, hey, you know so on, you know that 9 Cannon did this, Cannon did that. So you take all of 10 that kind of information. To me, that's what I do, 11 and then I make my determinations as to whether or not 12 I want to promote a person or not. 13 Q Now, you talked about doing interviewing. 14 What kind of interviewing do you do? 15 A When we talk about interviewing, are we 16 talking about new employees or -- 17 Q You said that you interview the employee and 18 you talk to the supervisor. 19 A Okay. 20 Q You've already explained what you do in 21 terms of talking to the supervisor, so what do you do 22 in terms of interviewing when you're considering a 23 promotion? 24 A I'll call that person into my office, or 25 maybe not. Maybe I'll just see him in the hallway and</p>	<p>1 downtown, and we have to -- we do the staging for the 2 police. What I mean by that, we provide the vans and 3 the vehicles for moving. If I call you today, I need 4 you to be on that crew. I need you to come to work. 5 I don't need you to tell me you're getting ready to 6 take the kids to the park to play ball. 7 So, Lynette, in my interview, we talk about 8 just in general a gamut of different things. And 9 that's how I kind of get an idea as to whether or not 10 I want that person to work for me as a supervisor, if 11 I'm going to promote that person. 12 Q Let me ask you this: I know in the Cannon 13 promotion you only considered him, so that's how you 14 talked to him. Some of these other promotions when 15 you were considering several people as opposed to a 16 specific individual, do you talk to several people 17 about those things? 18 A I'll talk to each person about those same 19 things. 20 Q So, right. I don't know -- you know, let me 21 just randomly pick a promotion, and I'm not saying it 22 happened this time, but there's another promotion in 23 May of '17. So if you're considering three people for 24 that slot, you would bring each of those three people 25 in and have that kind of a conversation with them?</p>
Page 171	Page 173
<p>1 ask him, you know, what do you think you're going to 2 be doing as a supervisor. And I may -- and that's 3 kind of a rhetorical question, but let me tell you 4 what you're going to be doing. You're going to be 5 doing this, this and this. Can you adhere to that 6 responsibility? 7 Usually when I say I'm interviewing a 8 candidate, I'll talk to that person and kind of let 9 him know this ain't -- when I promote you, if you get 10 promoted, it ain't going to be no walk in the park. 11 We're talking about some responsibilities here. 12 And that's why I've had a few people say, 13 hey, no, I don't want to be a supervisor because I'm 14 going to have to come to work at times where I don't 15 want -- I don't want my family to be interrupted, my 16 family time to be interrupted, and that's the kind of 17 stuff when I say interview, I'll ask people about 18 those kinds of things. 19 We talk about pay. I've had one person to 20 turn down becoming a supervisor because the pay wasn't 21 what he thought it was going to be. But you talk 22 about pay, you talk about responsibility, you talk 23 about them having to work times. Right now with all 24 the stuff that's going on, I may get a call in the 25 next five minutes, we're going to have a protest</p>	<p>1 A Yes. 2 Q It's not just who you're considering to be 3 your top candidate. 4 A Yes. And like I said, when you say bring 5 them in, that may not have necessarily been a formal 6 process where I say, hey, I want you to come, I also 7 want to talk to you. I might have met that person in 8 the hallway somewhere and we just stop, standing off 9 to the side, talk about, you know. 10 Q I understand. So it might not be a formal 11 interview. If they work in a certain area, you might 12 just pull them aside and talk to them in their area. 13 A Right. 14 Q My understanding is Cannon had been working 15 with the sheriff's department about three years when 16 you promoted him; is that correct? 17 A I think so. 18 Q Do you know what units he had worked in in 19 the sheriff's department when he was promoted to 20 sergeant? 21 A I'm not sure. I kind of think he'd been in 22 transportation all the time. 23 Q Maybe I didn't look at them closely enough. 24 Is there a documentation on the forms that say what 25 unit they're assigned to?</p>

44 (Pages 170 to 173)

Sheriff Vernon Betts

Page 174	Page 176
<p>1 A Yes.</p> <p>2 Q I see those employee forms.</p> <p>3 A Yes.</p> <p>4 Q On the form it actually says what unit</p> <p>5 you're assigned to?</p> <p>6 A Yes.</p> <p>7 Q But you don't know if he had worked in</p> <p>8 transportation the whole three years because you</p> <p>9 weren't there for a good chunk of that.</p> <p>10 A Right. I don't know exactly where he</p> <p>11 worked.</p> <p>12 Q So with respect to Cannon, if I'm</p> <p>13 understanding your testimony, you don't have a -- you</p> <p>14 don't have a supervising sergeant you can talk to</p> <p>15 because it's Norise, correct?</p> <p>16 A Correct.</p> <p>17 Q So do you talk to anybody else about Cannon</p> <p>18 to get a sense of him other than your own perspective?</p> <p>19 A I'm sure that I probably talked to</p> <p>20 Lester Stewart, who both Norise and Cannon reported</p> <p>21 to. He was the lieutenant. I'm sure that in passing</p> <p>22 the other supervisors in the office may have given me</p> <p>23 their take. If Cannon had been a terrible employee,</p> <p>24 I'm sure Tim or Tammy or the major would have said,</p> <p>25 no, wait a minute, that's who you're promoting? It's</p>	<p>1 the other people that he had to interact with.</p> <p>2 Q When you promoted Cannon, did you know he</p> <p>3 had received a written reprimand for professionalism</p> <p>4 and a lack of common courtesy in his daily</p> <p>5 performance?</p> <p>6 A I did not know that.</p> <p>7 MS. LEWIS: You did or did not? I'm sorry.</p> <p>8 THE WITNESS: I did not know that.</p> <p>9 BY MS. PETRUSKA:</p> <p>10 Q Would that have had any impact on your</p> <p>11 decision?</p> <p>12 A Yes, it would have.</p> <p>13 Q If it was in his personnel file, why didn't</p> <p>14 you know that?</p> <p>15 A Because it wasn't in my personnel file of</p> <p>16 him.</p> <p>17 Q Did you ask anybody if he had any kind of</p> <p>18 disciplinary history?</p> <p>19 A I don't think I did.</p> <p>20 Q I just want to be clear. I want to see if</p> <p>21 this refreshes your recollection in any way. I'm</p> <p>22 showing you now what's previously been marked as</p> <p>23 Deposition Exhibit 17. It's a memo dated December 11,</p> <p>24 2014 produced to us by the City. And I do understand</p> <p>25 you are not on the sheriff's department at this point.</p>
Page 175	Page 177
<p>1 terrible. So we didn't get that reflection from</p> <p>2 anybody.</p> <p>3 Q When you say "the major," which major would</p> <p>4 it be if it's in transportation?</p> <p>5 A It would have been Major Lammert.</p> <p>6 Q So you talked to some individuals and it was</p> <p>7 your personal observations, correct?</p> <p>8 A Correct.</p> <p>9 Q Anything else that factored in to the</p> <p>10 decision to promote Cannon?</p> <p>11 A Well, his educational background really</p> <p>12 impressed me.</p> <p>13 Q Anything else?</p> <p>14 A His character and demeanor. Whenever I</p> <p>15 would see him, it always seemed to be about the</p> <p>16 business. Pleasant. Pleasant attitude.</p> <p>17 Q You stressed a couple of times communication</p> <p>18 skills. What did you know about his communication</p> <p>19 skills, him being Cannon?</p> <p>20 A Well, I know he communicates. He</p> <p>21 communicated with me on a regular basis whenever I</p> <p>22 would see him. I'm a former schoolteacher, so I know</p> <p>23 when you can put together a sentence. His</p> <p>24 communication skills were decent. And always cordial.</p> <p>25 And seemed to, from my observation, get along with all</p>	<p>1 Are you telling me that this is the first time you're</p> <p>2 seeing this particular memo?</p> <p>3 A I am.</p> <p>4 Q And as we sit here today, you don't know the</p> <p>5 specific facts set around that particular write-up; is</p> <p>6 that correct?</p> <p>7 A That's correct.</p> <p>8 Q What conduct he engaged in that was found to</p> <p>9 be uncourteous or lacked professionalism?</p> <p>10 A I have no idea.</p> <p>11 Q And my understanding is Cannon is no longer</p> <p>12 with the sheriff's department; is that correct?</p> <p>13 A That's correct.</p> <p>14 Q Did he resign or was he fired?</p> <p>15 A He was fired.</p> <p>16 Q Why was he fired?</p> <p>17 A Because he went through a legal situation</p> <p>18 that ended up causing him to have a felony, and you</p> <p>19 can't work for the sheriff's department if you have a</p> <p>20 felony on your record.</p> <p>21 Q He was actually charged with domestic</p> <p>22 assault, correct?</p> <p>23 A Correct.</p> <p>24 Q Between the time he was charged and</p> <p>25 convicted, what was his status with the sheriff's</p>

45 (Pages 174 to 177)

Sheriff Vernon Betts

Page 194	Page 196
<p>1 of people that you considered to be like finalists or</p> <p>2 your serious candidates?</p> <p>3 A No. I have a list.</p> <p>4 Q I'm not asking about the list per policy,</p> <p>5 but in your own mind, whether it's written or in your</p> <p>6 mind, do you have two or three people you're seriously</p> <p>7 considering that you think could be a good person for</p> <p>8 this job?</p> <p>9 A Probably at that time I probably had two or</p> <p>10 three people.</p> <p>11 Q As we sit here today, do you know who they</p> <p>12 are?</p> <p>13 A No, I don't. I can't remember back then.</p> <p>14 Q Why is it that McGinnist got this particular</p> <p>15 promotion?</p> <p>16 A McGinnist, probably if there was a slot and,</p> <p>17 there again, based on those attributes and those</p> <p>18 things that we've talked about a couple times now,</p> <p>19 that's why McGinnist got that spot. Working in that</p> <p>20 particular area is usually one of the first things we</p> <p>21 look at. And then all those other things that I</p> <p>22 talked about. We talked about merit. And then him</p> <p>23 displaying -- that's how he got promoted.</p> <p>24 Q So you're saying that McGinnist worked in</p> <p>25 courts when he was promoted to sergeant?</p>	<p>1 And your character, demeanor and all that impacts how</p> <p>2 I feel about you working on my job. And if you're not</p> <p>3 doing what you're supposed to do off the job, at some</p> <p>4 point you're not going to do what you're supposed to</p> <p>5 do on the job.</p> <p>6 Yes, I think it's all relevant and all has a</p> <p>7 bearing. So we have had employees get fired because</p> <p>8 of their misbehavior off the job.</p> <p>9 Q To your knowledge, had McGinnist ever been</p> <p>10 moved because a female had complained about him</p> <p>11 harassing her?</p> <p>12 A No.</p> <p>13 Q You don't know anything about that?</p> <p>14 A I don't know anything about that.</p> <p>15 Q Were you aware of any issues or problems</p> <p>16 with McGinnist's job performance?</p> <p>17 A No.</p> <p>18 Q What supervisors would you have talked to</p> <p>19 about McGinnist in terms of input on the promotion, if</p> <p>20 anybody?</p> <p>21 A Probably Dawn Roop. Again, Tim Haill.</p> <p>22 Maybe Major Lammert.</p> <p>23 Q And do you remember what any of them told</p> <p>24 you about McGinnist?</p> <p>25 A Nothing specifically. None of them. I</p>
Page 195	Page 197
<p>1 A Yes. Yeah, I believe -- yes.</p> <p>2 Q When you promoted McGinnist to sergeant, did</p> <p>3 you know he had previously been arrested? Had you and</p> <p>4 him ever discussed that?</p> <p>5 A No, we had not.</p> <p>6 Q Are you learning that for the first time</p> <p>7 today?</p> <p>8 A Yes, ma'am.</p> <p>9 MS. PETRUSKA: Korey, just so you know, this</p> <p>10 is one of the documents I told you I would use</p> <p>11 something from but destroy, so I don't have the</p> <p>12 document anymore. But that is where it came from.</p> <p>13 MS. LEWIS: Fine.</p> <p>14 BY MS. PETRUSKA:</p> <p>15 Q So you don't know what he was arrested for,</p> <p>16 correct?</p> <p>17 A No, I do not.</p> <p>18 Q If you had known he was previously arrested,</p> <p>19 would that have factored into your decision about</p> <p>20 whether he should be promoted?</p> <p>21 A It certainly would have.</p> <p>22 Q Why is that?</p> <p>23 A Just like I've said over and over, that what</p> <p>24 I've tried to stress with these deputies is that you</p> <p>25 are a deputy 24/7, 365 days a year on and off the job.</p>	<p>1 would have remembered if any of them came to me and</p> <p>2 put up a strong challenge not to promote him.</p> <p>3 Q You've talked about these different</p> <p>4 attributes and qualities you look for in terms of</p> <p>5 promotion. So let me ask you this: How did McGinnist</p> <p>6 stand out compared to other deputies on these</p> <p>7 interpersonal and communication skills you talk about?</p> <p>8 What made him stand out and made him best for the job?</p> <p>9 A He seemed to be able to communicate to me.</p> <p>10 He seemed to be able to articulate the job that he --</p> <p>11 whenever talked about -- when I got there, I think he</p> <p>12 was working in Division 26, 27, and that's -- you're</p> <p>13 moving the prisoners from the jail to video court and</p> <p>14 all that, and he seemed to be very proficient at</p> <p>15 knowing what goes on in the courtroom. And that's one</p> <p>16 of the reasons, one of the things that caught my</p> <p>17 attention.</p> <p>18 And then, of course, him being able to work</p> <p>19 with all the other deputies. I never got any reports</p> <p>20 from any deputies that he -- they didn't like him,</p> <p>21 didn't get along with him. And some of the stuff that</p> <p>22 you've just told me, I'm flabbergasted.</p> <p>23 Q How did McGinnist stand out with respect to</p> <p>24 his leadership ability compared to other deputies?</p> <p>25 A Seemed to be able to lead. In talking with</p>

50 (Pages 194 to 197)

Sheriff Vernon Betts

Page 198	Page 200
<p>1 him, I think he had been some kind of officer in other 2 aspects, in other places where he had worked. I got 3 that information. 4 Q Do you know where you got that information? 5 A From him. 6 Q Was that part of when you interviewed him, 7 whether it was in your office or somewhere else? 8 A Sure. Yeah, that was -- could have been. 9 Q Has McGinnist incurred any discipline since 10 he was promoted to sergeant? 11 A Yes, ma'am. 12 Q And what has he been disciplined for? 13 A I guess recently, just the other day, he 14 lost his stripes. 15 Q So he's been demoted? 16 A He's been demoted as of this past Friday. 17 He's been in my office a couple of times because he 18 had run-ins with his superiors. There's been 19 discrepancies as to how things should run and who said 20 what and what was done that was right or wrong, and so 21 he's been in the office for that. 22 I think I suspended him before, too, I have 23 to look and see. But just recently, he's been 24 suspended. He was suspended last week and he lost his 25 stripes. But he's had two incidents before this</p>	<p>1 office, there's nothing that keeps you from looking at 2 any file in your office, correct? 3 A That's correct. 4 Q So my question is, and I will represent that 5 the two-week suspension, anger management counseling 6 and two years of probation related to an incident at 7 Barnes Hospital is, in fact, part of the file that was 8 produced to us yesterday related to discipline on 9 McGinnist. And so wouldn't you want to be reading 10 these files, these personnel files to make sure you 11 don't have these kinds of problems before you promote 12 somebody? 13 MS. LEWIS: Objection. 14 THE WITNESS: I guess from now on I will. 15 MS. PETRUSKA: I'm sorry, Korey? 16 MS. LEWIS: Objection. Argumentative. 17 Go ahead, Vernon. 18 BY MS. PETRUSKA: 19 Q I'm sorry, your answer was I guess from 20 now -- 21 A I'm pretty sure from now on I will. 22 Q Would it concern you if a deputy gave one 23 account of an event that was contradicted by multiple 24 witnesses, would you be concerned about that deputy's 25 honesty?</p>
Page 199	Page 201
<p>1 recent incident. 2 Q Were you aware that in 2010 he was suspended 3 for two weeks and made to go to anger management 4 counseling? 5 A In 2010? 6 Q Because of a confrontation he had had at 7 Barnes Hospital where he threatened to blow somebody's 8 brains out? 9 A I was not aware of that. 10 Q Are you aware that that is in his 11 disciplinary file? 12 MS. LEWIS: Objection. Assumes facts not in 13 evidence. 14 THE WITNESS: Do I have to answer that? 15 MS. LEWIS: Yes, sir, if you know. 16 THE WITNESS: I was not aware of that being 17 in his disciplinary file because, as I've said before, 18 I don't go perusing through the files when I'm making 19 these kind of decisions. 20 Q Isn't that something you would want to know 21 before you promoted somebody to sergeant if in the 22 past they've gotten involved in a verbal confrontation 23 and threatened to blow somebody's brains out? 24 A I would want to know that, yes. 25 Q If it's in the personnel file in your</p>	<p>1 A Most definitely, yes. 2 Q I'm assuming because you hadn't seen the 3 McGinnist file, you weren't aware that he gave a 4 statement that was contradicted by numerous witnesses. 5 A You're correct in that. 6 Q If I'm understanding your testimony 7 correctly, McGinnist, who was promoted in August of 8 '17, wasn't one of the best picks you made because 9 you've since had to demote him; is that correct? 10 MS. LEWIS: Objection. Argumentative. 11 THE WITNESS: You can say that. 12 BY MS. PETRUSKA: 13 Q And you said he had some run-ins with his 14 supervisor. What were the run-ins he had with his 15 supervisor? 16 A I don't remember the exact gist of the 17 conversation, but I know a couple of times he's been 18 in my office because he and Dawn Roop had some 19 question or some problems. 20 Q So you interviewed McGinnist for this 21 position per what you described before. Did you 22 interview anybody else for this particular position, 23 the August of 2017 promotion? 24 A I'm sure I looked at -- if they gave me the 25 letters before I filled the position, I'm sure I</p>

51 (Pages 198 to 201)

Sheriff Vernon Betts

Page 202	Page 204
<p>1 looked at those letters and probably talked to those 2 people. 3 Q Do you have any recollection as we sit here 4 today in terms of what you talked to Mosely or Honer 5 about? 6 A No, I don't. 7 Q Let me ask you this: Why would you have 8 talked to McGinnist about the position if he didn't 9 give you a letter? 10 A Did he give me a letter? 11 Q I haven't seen one. So why would you talk 12 to McGinnist about the sergeant's position if he 13 didn't give you a letter saying he was interested? 14 A Because there again, if that sergeant 15 position, Lynette, opened up in an area where that 16 person is working, that's usually one of the first 17 things that tipped me off in appointing a person to a 18 position, is that they worked and know the routine and 19 know what needs to be done there. 20 Q But Castellano had worked in the courts for 21 a number of years, correct? 22 A Correct. 23 Q So he would have known the position, too, 24 correct? 25 A Yeah. We keep going back over the same</p>	<p>1 he did his work. Never any kind of complaints from 2 his judge or anything like that. 3 Q Were you getting complaints from any of the 4 other deputies' judges? 5 A No. 6 Q How did McGinnist stand out with respect to 7 decisionmaking compared to the other deputies you 8 considered? 9 A Seemed to be just as capable at making 10 decisions as anybody else. 11 Q My understanding is for each of these 12 promotions, you said you selected the best person for 13 the job, correct? 14 A Well, no, no. I say what I thought was the 15 best person. I'm -- that's objective, Lynette. I'm 16 picking who I think may be the best person, yeah, for 17 the job. 18 Q Right. You're picking the person you think 19 is the best person for the job out of a pool of 20 potential people you can promote, correct? 21 A Yes. 22 Q And what I'm asking is why is McGinnist the 23 best in terms of decisionmaking compared to the other 24 people you considered? 25 A McGinnist had not had a chance to me compare</p>
Page 203	Page 205
<p>1 thing. I had no idea that Mr. Castellano wanted to be 2 promoted. 3 Q Well, how did you -- 4 A I never got a letter from Mr. Castellano, 5 and he never talked to me about a promotion. And that 6 don't mean that I go around asking everybody who wants 7 to be promoted. I don't. 8 Q But you take it upon yourself, then, to talk 9 to Danny McGinnist and promote him, even though he 10 doesn't give you a letter; is that correct? 11 A Correct. 12 Q How did McGinnist stand out with respect to 13 professionalism compared to the other deputies you 14 considered? 15 A From what I could see, he did his job and 16 did it well. 17 Q Anything else? 18 A Like we've been talking about, his character 19 on the job seemed to be pretty good. 20 Q What did McGinnist do in terms of standing 21 out in terms of good judgment compared to other 22 deputies that you thought he was the best person for 23 the job? 24 A In terms of best judgment, just looking at 25 his everyday work and how he conducted himself and how</p>	<p>1 his decisionmaking against anybody else's no more than 2 what they -- all those guys do on an everyday basis. 3 They come in and they make decisions to do their job, 4 do it well, then make the decisions to be at work and 5 be on time, and that's what I saw out of McGinnist. 6 That you don't see out of all the deputies. But he 7 seemed to be just as regular and on time and as good 8 as anybody else that could have done -- that could 9 have been selected for the job. 10 Q What was McGinnist's attendance or tardiness 11 record compared to the other deputies? 12 A I don't know. 13 Q And what was his relevant work experience 14 compared to the other deputies you considered? 15 A Well, I know he had worked outside, he 16 worked for the housing department and stuff like that. 17 But basically, again, making him a supervisor in that 18 particular spot, he had handled that responsibility 19 working in the courts in what I thought was a pretty 20 good fashion and -- and obviously, I never got 21 complaints from Don, his supervisor, before he was 22 promoted. All of his problems with the department and 23 me has come up since he's been promoted. 24 Q You talked about promoting McGinnist because 25 of his attitude. What about his attitude made him</p>

52 (Pages 202 to 205)

Sheriff Vernon Betts

Page 214	Page 216
<p>1 Q And so the next promotions take place on 2 December 3rd of 2018. Does that sound correct to you? 3 A I guess you're right. 4 Q And how are there two sergeants positions 5 open at that time? 6 A Who are the people that got promoted? 7 Q Those would be Evans and Allen. 8 A Evans and Allen. Again, I would have to 9 talk to Tammy Hogan how we had two spots open at the 10 same time. There might have been some promotions from 11 sergeant to lieutenant at that time. I don't know. 12 If those were the two promotions. 13 Q Where did -- where was Evans promoted to 14 sergeant to, what unit? 15 A Evans came out of outside service and 16 Walter Allen came out of the courts. 17 Q Okay. So when they're deputies, they're 18 outside service for Evans and Allen is courts. When 19 they're sergeants, where do they go? 20 A Both of them went to -- Walter Allen went to 21 sergeant on the Civil Courts side where he had been a 22 deputy working in the courts, so he became a sergeant 23 on that Civil Courts side. 24 And then Anthony Evans, who also worked 25 outside service, and they're staging point is in Civil</p>	<p>1 used to be the City attorneys for Frontenac, and 2 people would approach me and say, hey, I want you to 3 look at this ticket for me. And I would say, okay, 4 send me an email so I don't forget. 5 I'm assuming if somebody came to you and 6 said, hey, Sheriff, I'd like to be considered for 7 promotion, particularly -- particularly from deputy to 8 sergeant, you're going to tell them send me a letter, 9 give me your qualifications, and I'll put you on my 10 radar just like I would anybody else, right? 11 A Yes. 12 Q If they just say to you in passing, hey, I'd 13 like to be promoted, you may not remember that six 14 months down the road. 15 A No, I wouldn't remember that. I'm telling 16 you I wouldn't remember. 17 Q So you're telling people if they're serious 18 enough about wanting to be promoted, let you know in 19 writing and let you know why they think they should be 20 promoted, correct? 21 A Yes. 22 Q So do you know who else you -- you know, 23 again, I understand that you're saying you're 24 considering anybody that puts in a letter and you're 25 saying, okay, yes or no, but what I'm really focused</p>
Page 215	Page 217
<p>1 Courts, but he became sergeant and then he came over 2 to the Carnahan Building. 3 Q Okay. So in December of 2018, you have two 4 positions open. Who did you consider for these -- it 5 sounds like -- so they're both court sergeants, 6 correct? 7 A Right, yes. 8 Q One in each building, but they're both doing 9 the same job, just in different buildings. 10 A Yes. 11 Q So who did you consider to be court 12 sergeants in the -- I'm sorry, December of 2018? 13 A Well, if I promoted Walter Allen, and I 14 think Walter Allen -- I'm not sure if Walter Allen is 15 the one person that did not give me a letter. But by 16 this point I'm getting letters from everybody. So if 17 I had the openings, I was considering everybody. 18 Q So at this point -- 19 A Or whoever gave me a letter, not -- take 20 that back. Not everybody, but whoever had given me a 21 letter or whoever had approached me -- maybe not even 22 a letter, but whoever had approached me with some 23 concern about being promoted, I'm sure I told them 24 give me something in writing. 25 Q Right. Because if -- I'm assuming -- we</p>	<p>1 on are who are the people you seriously considered for 2 this particular promotion. 3 A I don't have -- I don't have a serious list 4 for those kind of things. I just don't have a 5 serious -- this -- these are people. 6 Q Let me ask it this way: You said when 7 you're seriously considering somebody, you talk to 8 them about the open position, correct? 9 A Yes. 10 Q So who beside Evans and Allen did you talk 11 to about the December of 2018 promotion? 12 A I don't remember. It could have been 13 Tyrone Williams, it could have been Neil Reilly, it 14 could have been Joe Mopkins. It could have been 15 anybody. Anybody that gave me a letter or anybody -- 16 Q Are you saying you seriously consider 17 anybody that gives you a letter? 18 A There again, you're using that term 19 "seriously." I don't take the letters and throw them 20 in the trashcan. I take those letters, I read them, 21 and then that runs through my head and my heart. Is 22 this person going to be the kind of person that I want 23 to be on my supervisory team and can they lead this 24 department and do the things that we need? All of 25 that will run through my head based on what I know</p>

55 (Pages 214 to 217)

Sheriff Vernon Betts

Page 222	Page 224
<p>1 letters that were submitted for sergeant promotion.</p> <p>2 Is there anybody that sent a letter to you that you</p> <p>3 did not talk to about the responsibilities of the</p> <p>4 position? Because my understanding is, you said that</p> <p>5 when you get a letter --</p> <p>6 A Right.</p> <p>7 Q -- you kind of talk to them and say do you</p> <p>8 really understand what you're asking for.</p> <p>9 A Yes.</p> <p>10 Q So my question is: Is there anybody in</p> <p>11 Exhibit 26 that you did not talk to and say do you</p> <p>12 really understand what you're asking for before I</p> <p>13 consider you for promotion?</p> <p>14 A As I thumb through these letters, I don't</p> <p>15 see anybody that I think I missed in saying that to.</p> <p>16 Q Now, I want to understand. Anybody that</p> <p>17 tells you they're interested, you talk to them about</p> <p>18 the duties and responsibilities. It's kind of just --</p> <p>19 I guess it sounds like it's your way of making sure</p> <p>20 that they really understand what they -- in fact, be</p> <p>21 careful what you ask for, you might get it, correct?</p> <p>22 A Correct.</p> <p>23 Q But there's also -- when you're considering</p> <p>24 people for promotion, you also talk to them at that</p> <p>25 time; is that correct?</p>	<p>1 talked to them a second time more specifically related</p> <p>2 to the promotion, this is what this job is going to</p> <p>3 require, this is what your commitment's need to be,</p> <p>4 are you sure you're up for it, are you sure you want</p> <p>5 to do it, correct?</p> <p>6 A Correct.</p> <p>7 Q Let me ask you this: When you've talked to</p> <p>8 people that you're considering for a specific</p> <p>9 promotion, have you ever decided -- I know you told me</p> <p>10 that some people have told you, you know, now that</p> <p>11 you've explained it to me, I'm not really interested,</p> <p>12 whether it's because of what the job requires or what</p> <p>13 it pays, but after talking to somebody, have you ever</p> <p>14 made the decision that they're not the best qualified</p> <p>15 person for the job?</p> <p>16 A Yes.</p> <p>17 Q Who did you consider for a promotion that</p> <p>18 you decided to move on and pick somebody else after</p> <p>19 you talked to them?</p> <p>20 A I talked to Brian Jones about a promotion.</p> <p>21 And I don't know if it was that I thought it wouldn't</p> <p>22 be best or he thought that it would interfere with his</p> <p>23 making more money, as I think about that. I know he</p> <p>24 was one of the ones that turned it down.</p> <p>25 Q Do you remember what promotion you talked to</p>
Page 223	Page 225
<p>1 A Correct.</p> <p>2 Q And at that time -- so like -- so in</p> <p>3 December of '18 you're considering Evans and Allen for</p> <p>4 promotion. So you talk to each one of them, correct?</p> <p>5 A Correct. But I think -- I think</p> <p>6 Mr. Walter Allen, I think I missed talking -- well,</p> <p>7 let me see. I don't think I missed talking to him,</p> <p>8 but I don't know that I got a letter from him. That's</p> <p>9 what I think I'm confusing. I don't think I got a</p> <p>10 letter from Walter Allen.</p> <p>11 Q But you did talk to Evans and Allen about</p> <p>12 this particular promotion and how you were considering</p> <p>13 them for it, correct?</p> <p>14 A Yes.</p> <p>15 Q What did you talk to Evans and Allen about</p> <p>16 as it related to this particular promotion as opposed</p> <p>17 to the more generic you had with everybody when</p> <p>18 they give you a letter?</p> <p>19 A Well, the responsibility of that particular</p> <p>20 job and where I think I wanted them to work -- there</p> <p>21 again, just off the top of my head, I'm sure I talked</p> <p>22 to them basically about the same thing, their</p> <p>23 responsibility of the job and what they're going to</p> <p>24 have to do.</p> <p>25 Q So if you talked to them once before, you</p>	<p>1 him about, which one of the 12 that you've had open in</p> <p>2 your three-plus years as sheriff?</p> <p>3 A Yeah, I -- right now, Frank Parker is the</p> <p>4 sergeant in outside service, and that's the same</p> <p>5 position that I had thought about promoting</p> <p>6 Brian Jones.</p> <p>7 Q So you talked to Brian Jones about an</p> <p>8 outside services sergeant position. Either based upon</p> <p>9 what he said to you, you decided he wasn't the best</p> <p>10 person or he might have said I'm not interested --</p> <p>11 A Exactly.</p> <p>12 Q -- and then Parker got the promotion; is</p> <p>13 that correct?</p> <p>14 A That's correct.</p> <p>15 Q Anybody else that you can remember talking</p> <p>16 to and then deciding they might not be the best person</p> <p>17 for the promotion?</p> <p>18 A No.</p> <p>19 Q Would it be the same group of supervisors</p> <p>20 you talked to about, their being Evans' and Allen's</p> <p>21 promotions, the majors, Tim Haill, Captain Hogan?</p> <p>22 A Yes.</p> <p>23 Q Anybody else?</p> <p>24 A No, basically the same people.</p> <p>25 Q Do you ever talk to Colonel Roberts about</p>

57 (Pages 222 to 225)

Sheriff Vernon Betts

Page 226	Page 228
<p>1 promotions?</p> <p>2 A Sure, yeah.</p> <p>3 Q And which promotions do you talk to</p> <p>4 Colonel Roberts about.</p> <p>5 A About all of them.</p> <p>6 Q Do you talk to him one-on-one about who he</p> <p>7 thinks might be best or do you talk to him in a group</p> <p>8 setting, what we're talking about these monthly</p> <p>9 meetings?</p> <p>10 A Most of the time -- a lot of times</p> <p>11 one-on-one.</p> <p>12 Q Has he ever made a specific recommendation</p> <p>13 for a promotion?</p> <p>14 A No, he's never made a specific</p> <p>15 recommendation for a promotion.</p> <p>16 Q Have you ever told him, I'm thinking about</p> <p>17 these two people and he recommends to you I think this</p> <p>18 person would be the better one for the job?</p> <p>19 A He may have made some kind of reflection</p> <p>20 like that.</p> <p>21 Q Do you have a specific recollection?</p> <p>22 A No, I can't remember who specifically, but</p> <p>23 in the course of all those people that we've promoted,</p> <p>24 he may have said something, because I'm asking his</p> <p>25 opinion.</p>	<p>1 A They were all in. Nothing negative or</p> <p>2 nothing specific against either one of those guys.</p> <p>3 They thought they were good choices, too.</p> <p>4 Q By this time you have a pool of qualified</p> <p>5 applicants is my understanding, correct, because</p> <p>6 people are sending you letters, they've kind of gotten</p> <p>7 a sense that that's what they need to do to be</p> <p>8 considered, correct?</p> <p>9 A Yes, ma'am.</p> <p>10 Q Let's focus first on Evans. What is it</p> <p>11 about Evans that you consider him to be the best</p> <p>12 qualified person for the job?</p> <p>13 A Well, one of the things that struck me with</p> <p>14 Mr. Evans is that I think Mr. Evans has perfect</p> <p>15 attendance for all the years that he's been with the</p> <p>16 sheriff's department. That's one of the things that</p> <p>17 jumped out at me right away. Again, very upstanding</p> <p>18 young man, personality, get along with everybody.</p> <p>19 And the same thing applies with</p> <p>20 Walter Allen. Walter Allen is the deputy that</p> <p>21 replaced me as the bailiff in Division 5,</p> <p>22 Judge Mark Neil. The same demeanor, character,</p> <p>23 upstanding, personality good, knows how to communicate</p> <p>24 with other employees.</p> <p>25 Q Anything else that you -- any other reason</p>
Page 227	Page 229
<p>1 Q So you would have also spoken to Evans' and</p> <p>2 Allen's supervisors. Who would have been their</p> <p>3 supervisor or supervisors? It sounds like it would be</p> <p>4 different, though, because they came from different</p> <p>5 departments.</p> <p>6 A Over there in the courts, Walter Allen's</p> <p>7 supervisor would have been Felicia Davis. And in</p> <p>8 outside service where Anthony Evans was working, his</p> <p>9 supervisor would have been Neil Hogan.</p> <p>10 Q Do you remember what Davis or Neil Hogan</p> <p>11 told you about Evans and Allen in terms of their work?</p> <p>12 A Just that they thought they were good</p> <p>13 choices and that they'd go along with that promotion.</p> <p>14 Q And then you also said that you talked to</p> <p>15 the -- I think you said you talked to the receiving</p> <p>16 supervisor about the selection as well. So who would</p> <p>17 have been the lieutenant or lieutenants that Evans and</p> <p>18 Allen would have been working under?</p> <p>19 A So once Walter Allen is promoted, he's going</p> <p>20 to be working under Felicia Davis, his current</p> <p>21 supervisor. And then once Anthony Evans is promoted,</p> <p>22 he's going to come across the street and he would be</p> <p>23 working under Dawn Roop.</p> <p>24 Q What did Davis and Roop tell you about</p> <p>25 receiving them as sergeants?</p>	<p>1 that you thought Allen was the best candidate for the</p> <p>2 other open position?</p> <p>3 A No, nothing other than what I just told you.</p> <p>4 Skill, experience, you know.</p> <p>5 Q So at this point you have two positions open</p> <p>6 in courts, is my understanding, one in each. And I</p> <p>7 know you keep getting hung up on my word serious. Is</p> <p>8 there anybody else that you considered to be a</p> <p>9 finalist for this position? So somebody you thought,</p> <p>10 I could select this person, other than Allen and</p> <p>11 Evans?</p> <p>12 A Yes.</p> <p>13 Q Who were the other people that you</p> <p>14 considered to be in this finalist group?</p> <p>15 A Tyrone Williams, Nate Friar, John Beine.</p> <p>16 Don't ask me to how to spell it.</p> <p>17 Q Anybody else?</p> <p>18 A I know those guys were on my mind, yeah.</p> <p>19 Q Beine, I'm going to look for a spelling.</p> <p>20 You're saying that with a B as in boy, right?</p> <p>21 A Yes. Lynette, as I think about it and we</p> <p>22 talk about all these other positions, those are guys</p> <p>23 who all the time have been floating around in my head.</p> <p>24 They could have been considered. So when you talk</p> <p>25 about my list, did I sit down and write their names on</p>

58 (Pages 226 to 229)

Sheriff Vernon Betts

Page 230	Page 232
<p>1 a list? No. But did I have guys? These guys, I knew 2 of their integrity, as you would say integrity. 3 Now, there again, all of that has got to be 4 qualified, but when you talk about them doing the job 5 and working as a deputy, I knew those guys had the 6 ability. I don't think anybody on that job, Lynette, 7 you're going to find didn't have some kind of some 8 skeletons in their closet. So I had to pick the best 9 that I had. When we say the best, and that's 10 relevant, but we had to pick from what we had. 11 Q Let me go back. I told you I'd give you 12 some time to think about it and go back to it. What 13 would John Castellano have to do to be considered for 14 promotion in your sheriff's department? 15 MS. LEWIS: Object to the form. Improper 16 hypothetical. 17 Go right ahead, Vernon. 18 THE WITNESS: Yeah. John Castellano? I 19 don't know. 20 BY MS. PETRUSKA: 21 Q I need to give you more time? 22 A Probably several years, I don't know. I'm 23 not going to answer that question. 24 Q You're refusing to answer that question? 25 A I'm saying I can't answer that question.</p>	<p>1 think that's the point, Lynette. It's my prerogative 2 to determine who I want to work for me, and those 3 people, I ain't saying that they were angels, I'm 4 saying that they were doing what I asked them to do at 5 the time. 6 Q You said that he would have to improve his 7 personality. What about his personality is deficient 8 that he's not currently being considered for 9 promotion? 10 A You've got to be able to communicate with 11 the people that you work with. 12 Q How is he failing to communicate? 13 A That's one of his flaws as far as I can see. 14 Q And my question is, right: What have you 15 observed that shows that he fails to communicate with 16 people? 17 A He's not a -- I don't see him cordially 18 communicating with anybody. He definitely doesn't 19 communicate with his sheriff. That's the first person 20 you've got to start off with. 21 Q Anything else in terms of his communication 22 and personality? 23 A His judgment. Judgment. To me he hasn't 24 used the best judgment. There's a couple different 25 situations, and I'm afraid that that will lead into --</p>
Page 231	Page 233
<p>1 THE WITNESS: Korey, is there some kind of 2 penalty for not answering that question or what? 3 MS. LEWIS: You need to answer any question 4 to the best of your ability. So I think what Lynette 5 wants to figure out here is, is there something that 6 you're not understanding about the question or what 7 aspect are you struggling with to answer? 8 THE WITNESS: So the question is what would 9 it take for John Castellano for Vernon Betts -- what's 10 the question? 11 BY MS. PETRUSKA: 12 Q What would John Castellano have to do to be 13 considered for promotion? 14 MS. LEWIS: Same objection. 15 THE WITNESS: John Castellano has got to 16 improve in every aspect of his person, personality, 17 work ethic. Like I said before, he doesn't do 18 anything to get himself in trouble, but he doesn't do 19 anything to stand out. He ain't hitting 300, if you 20 understand that analogy. 21 BY MS. PETRUSKA: 22 Q I do. So are you saying that the people 23 that you promoted are hitting 300? 24 A When I selected them they were. They were 25 doing just what I thought they should be doing. And I</p>	<p>1 any time you -- he doesn't use good judgment. He 2 didn't use good judgment. 3 Q You said there are specific situations. 4 What specific things has he done that you believe do 5 not show good judgment? 6 A Well, I know that he had an altercation with 7 Antoine Cannon once. They went to move some 8 prisoners, pick up prisoners or whatever, and 9 Antoine Cannon was his supervisor. He tells 10 Antoine Cannon -- Antoine Cannon gives him the keys to 11 drive, and he tells Antoine Cannon that he ain't 12 driving. That was a no no. I'm not sure if -- I 13 think that was a write-up. I think that's in his 14 file. 15 Q Anything else? 16 A Yes. He -- I know one time his car wouldn't 17 start, and instead of him asking his supervisor or 18 calling me and asking me can he use one of the vans, 19 he spends the night sleeping on the floor of the 20 building or something to that effect, but he's staying 21 all night on the job. Judgment, judgment, judgment. 22 And then overall, I mean, if you wanted to 23 be promoted, how come you just didn't come to me 24 and -- or how come you just didn't write a letter and 25 say, hey, I would like to, like everybody else, like</p>

Sheriff Vernon Betts

Page 234	Page 236
<p>1 everybody else. So you want to talk about judgment?</p> <p>2 And then even when it even finally got around to him,</p> <p>3 after all of this stuff of writing a letter, he</p> <p>4 doesn't bring me the letter, like everybody else know</p> <p>5 that they're supposed to, he takes it and gives it to</p> <p>6 somebody else.</p> <p>7 A couple times, instead of coming to me, he</p> <p>8 said something to Mike Gamache about something.</p> <p>9 Instead of coming to me, he gives Tim Haill a letter.</p> <p>10 Everybody around there knows the procedures and they</p> <p>11 know what to do, but he doesn't follow that, he</p> <p>12 doesn't do that.</p> <p>13 Q So I want to make sure I'm understanding.</p> <p>14 When he wanted to be considered for promotion, he gave</p> <p>15 the letter to Tim Haill?</p> <p>16 A Yeah, he gave Tim Haill some kind of letter.</p> <p>17 Never gave me a letter. As of today I have not gotten</p> <p>18 a letter from his hand to mine to him wanting to be</p> <p>19 promoted like I've gotten all these other letters.</p> <p>20 These people bring those letters to me, and I take</p> <p>21 them and put them in my desk drawer.</p> <p>22 Q But you are aware that John Castellano has</p> <p>23 provided a letter requesting promotion, correct?</p> <p>24 A Sure. Never gave it to me.</p> <p>25 Q I understand the difference you're making,</p>	<p>1 and hollering about how nice Mr. Castellano is. And</p> <p>2 if you're going to be somebody's supervisor, Lynette,</p> <p>3 you've got to have that kind of personality, you've</p> <p>4 got to be able to get along with the people. You have</p> <p>5 to be able to interact. And so all I can see, comes</p> <p>6 in, do his job, I guess he communicates with whoever</p> <p>7 he's working with for that day, and that's it. I want</p> <p>8 to see a little bit more than that from people. And</p> <p>9 all those people that have been promoted, they</p> <p>10 demonstrate that kind of personality, cordiality,</p> <p>11 communication. They do.</p> <p>12 Q You said the other thing is he's done</p> <p>13 nothing to stand out, so he's done nothing to show</p> <p>14 that he's hitting 300. So in terms of the people that</p> <p>15 we've talked about that you've promoted, what did</p> <p>16 Antoine Cannon do to show that he was hitting 300?</p> <p>17 A I told you before, that man had a couple</p> <p>18 degrees. And then he comes in and does his job, does</p> <p>19 it, from what I could see, very well, and communicates</p> <p>20 that to me in passing. There are many, many times he</p> <p>21 has a deputy and/or once promoted, there was always</p> <p>22 Sheriff, this, Sheriff we did that, Sheriff, how are</p> <p>23 you doing. I don't get that from Mr. Castellano.</p> <p>24 Q What did Tim Haill do to show that he was</p> <p>25 hitting 300 or standing out as a deputy?</p>
Page 235	Page 237
<p>1 but you have a letter in your desk drawer from</p> <p>2 John Castellano just like the other deputies, correct?</p> <p>3 A Correct.</p> <p>4 Q You said he talked to Sergeant Gamache about</p> <p>5 something he didn't talk to you about. What was that?</p> <p>6 A I think it was about promotion. I don't</p> <p>7 know. He didn't talk to me.</p> <p>8 Q You said you had issues with his work ethic.</p> <p>9 What about his worth ethic prevents him from being</p> <p>10 promoted?</p> <p>11 A There again, his work ethic, he doesn't</p> <p>12 communicate. We keep going back to that same thing.</p> <p>13 There's -- they call it having church, but every</p> <p>14 morning I sit in the hallway at the front door, and</p> <p>15 every deputy coming in for work stops and holds some</p> <p>16 kind of yada, yada with the sheriff. He never does</p> <p>17 that. He never does that. Four years.</p> <p>18 He doesn't stop, as far as I can see. And</p> <p>19 don't necessarily have to be conversation with me. I</p> <p>20 don't see him having a whole lot of great</p> <p>21 conversations with any of the rest of the deputies</p> <p>22 from what I can see. I'm not around him 24/7, but</p> <p>23 what I can see.</p> <p>24 And I listen to these guys talk, and I'm</p> <p>25 around these guys, and I don't get anybody whooping</p>	<p>1 A Actually, he hit 350. Off the chain. Come</p> <p>2 in, and those things that I need done, not only did he</p> <p>3 act as HR, but he does the time, payroll time, keeping</p> <p>4 everybody's time correct so that they can get paid</p> <p>5 correctly. He's in on the disciplinary action.</p> <p>6 He's working right now, he's my liaison to</p> <p>7 the Criminal Justice Coordinating Council, many of the</p> <p>8 conversations that we hold inside the shop. Tim has</p> <p>9 knowledge because of his years of experience. We're</p> <p>10 talking about the courts, the jails or anything else,</p> <p>11 he's worked in those areas. He has extensive</p> <p>12 knowledge. Seems like to me the man's a pretty smart</p> <p>13 guy. I might promote him again. I don't know. Tim</p> <p>14 does an excellent job for me. Makes my job a lot</p> <p>15 easier.</p> <p>16 Q Felicia Davis, how did she stand out?</p> <p>17 A Same way. Felicia has been working that</p> <p>18 job -- I think Felicia has been, what, 30 years on the</p> <p>19 job. I never have to worry about the 15, 20, 25, 30</p> <p>20 inmates that we have to transport back and forth,</p> <p>21 bring them down to the holding cell, which is in the</p> <p>22 Civil Courts Building. Felicia runs that operation.</p> <p>23 I mean, aficionado, on top of things. And I never</p> <p>24 have to worry about getting them from court down to</p> <p>25 the holding cell, from the holding cell back over to</p>

60 (Pages 234 to 237)